

DECISION DELEGATED TO DEVELOPMENT MANAGER

CHAIRMAN'S PANEL

Held On: 02 August 2019

Application No: H17-0504-19 **Applicant:** Mr M & Mrs J Bennett
Proposal: Erection of dwelling - Outline approval H17-0242-17
Location: Off Stockhouse Lane Surfleet Spalding
Terminal Date: 9th September 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
17	Providing a Mix of Housing
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

Proposal

This application seeks Reserved Matters approval for a single dwelling on a plot of land off Stockhouse Lane, on the edge of Surfleet.

Following negotiations with the case officer the scheme has been amended and reduced in size from the original submission which was felt to be too large for the plot. Some of the massing of the property was in the single storey elements but it was felt to be too dominant and not at all in keeping with the plan submitted in support of the outline application.

The design, size and scale including massing on the plot has all been revised by the Agent and the resultant scheme is more modest and more appropriate in its size and scale.

Site Description

The site is a triangle shape/wedge, to the rear is open agricultural land and to either side are residential properties.

A public footpath runs along the boundary of the site and the vehicular access is a shared surface with the public right of way at the entrance to the site.

History

H17-0242-17 - Outline Planning Permission for single building plot (approved May 2017)

Consultation Responses

Surfleet Parish Council

The size of the new property is not in keeping with the neighbouring properties

Internal Drainage Board

Surface water disposal requires consent of the Board (as identified by the applicant).

Public Rights of Way - Lincolnshire County Council - Comments (summarised):

The proposed development affects Surfleet Public Footpath No. 5.

Comments;

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

ii/ A minimum width of 2m should be retained to accommodate the public footpath. It is not desirable to install a fence between the drain and the public footpath as this will make the footpath feel enclosed.

iii/ No gates should be erected across the public footpath or gates posts erected at either side of the public footpath.

iv/ No surfacing works shall take place on the section of public footpath which runs along the driveway until a specification has been agreed with Lincolnshire County Council.

v/ The proposed development should not pose any dangers or inconvenience to the public using the right of way.

If there is any doubt that any of these conditions may be breached then a temporary diversion or closure may be needed.

Following further amended plans the PROW officer sent a further representation:

"Thank you for providing the amended site layout plan. The County Council Countryside Team has no further comments or observations to make in respect of the proposed development."

Residents - Objection following amended plans:

The proposed dwelling even with amendment remains the antipathy of the Outline approval. The proposed house is a high solid block of integrated building which almost fills the plot and appears to have a footprint equal in size the adjacent homes put together. The design makes no attempt whatsoever to blend or reflect the overall nature of the surrounding properties which in this part of Surfleet are predominantly bungalows and cottages. It is totally out of keeping and will not enhance but dominate.

Residents - Objection to original plans:

I strongly object to the proposed building/planning application because it in no way equates to the original approved outline planning application (H17-0242-17) which was for a chalet bungalow with detached garage and landscaping. The proposed house can in no possible way be described as a chalet bungalow and all the building is integral - its one big block of building with little landscaping disproportionate in size not only to the plot but to the adjacent bungalows and cottages in Stockhouse Lane, and in no way attempts to 'blend' or relate to the surrounding open countryside. In the original application the site was described as 'not visible' from the road, the house will not only be visible it will dominate. If this application is approved I find it makes a sham of the outline planning process.

Lincolnshire County Council - SUDs (Highways)

Does not wish to restrict the grant of planning permission.

Planning Considerations

- Neighbour amenity;
- Size, scale and design;
- Conflict with public footpath;
- Highways

Neighbour amenity

Due to the distance to neighbours, size, scale and orientation of the proposed dwelling, there would not be likely to be any material loss of amenity to the occupiers of neighbouring properties. Although the proposed dwelling is of a scale that is large compared to neighbouring properties this does not lead to loss of amenity in this case, there would be good separation distances to neighbours which would protect their amenity.

Size, Scale and Design

The original submission plans for this Reserved Matters Application were for a dwelling that was considered excessive in size and not appropriate for the plot, nor did it reflect the (albeit indicative) Outline Planning Permission.

Following negotiations the Agent has re-designed a more appropriately sized dwelling which is now acceptable.

The design of the dwelling is fairly modern in its appearance and with clean lines and simple fenestration it is of a pleasing aesthetic which will be a positive addition to the immediate, and wider, street scene. There is a variety in roof lines and heights built into the design to give some interest, and the differing levels between the main two storey house and the single storey projections breaks up the massing and create an interesting form to the proposed property.

The design is acceptable and the amendments made by the Agent overcome the original concerns.

Conflict with Public Footpath

Following the submission of amended plans the Public Rights of Way Officer at Lincolnshire County Council is happy with the proposals.

Highways

The application plans indicate that the property will be 3 bedrooms, and that there will be a garage and a marked parking space as well as a large drive.

Appendix 6: Parking Standards of the South East Lincolnshire Local Plan (2019) sets a requirement of 2 spaces for dwellings up to 3 bedrooms.

The proposals are considered to be policy compliant in terms of parking provision.

There is no reason for resisting the proposals on highways grounds.

History

Erection of dwelling - Outline approval H17-0242-17

Conclusion

The proposals comply with all local and national policy and are acceptable in all other regards.

Recommendation:

APPROVE

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 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 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 is considered to be a proportionate response to the submitted application based on the considerations set out in this report.