

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0622-20 **Applicant:** Mrs T Brand
Proposal: New detached dwelling with attached garage
Location: Land Adjacent 23 Stockhouse Lane Surfleet Spalding
Terminal Date: 2nd October 2020

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 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a new detached dwelling with an attached garage on land adjacent 23 Stockhouse Lane, Surfleet. An extant permission is on a similar footprint under reference H17-0504-19.

The proposal seeks to provide a two storey dwelling with an attached double garage. At ground floor level a guest bedroom, living room, bathroom, kitchen, dining, utility, snug, garden store and double garage. At first floor level two bedrooms, two en-suites, two walk in wardrobes and a study would be provided. Proposed materials of construction are dark red farmhouse multi facing brick, natural slate roof tiles, a feature stone cill and header window, white or cream pvcu window frames and facing brick in herringbone at first floor level. Exact materials of construction would be assessed by condition.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits with the boundaries to the east and west of the site. The surrounding area is predominately rural and is characterised by linear development of varying ages and design. The eastern boundary of the site is in Environment Agency Flood Zone 2, and the site is subject to a low flood hazard with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H17-0585-99

Outline - Proposed dwelling - Refused - 17 September 1999.

H17-1161-99

Outline - Proposed dwelling - Refused - 04 February 2000.

H17-0242-17

Outline - Residential development - single building plot - Approved - 15 May 2017.

H17-0504-19

Reserved Matters - Erection of dwelling - Outline approval H17-0242-17 - Approved - 20 August 2019.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

LCC - Rights of Way and Countryside Access

"Surfleet Public Footpath No. 5 is affected by the proposed development. Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

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/ The proposed development should not pose any dangers or inconvenience to the public using the right of way.
- iii/ A minimum width of 2m should be retained to accommodate the public footpath.
- iv/ The surface of the public footpath should not be disturbed without the prior consent of the County Council.
- v/ Further discussion is required regarding the surfacing of the section of public footpath which runs along the proposed drive. Pea gravel is considered to be an unsuitable surfacing material.
- v/ No gates should be erected across the public footpath or gate posts erected at either side of the public footpath.

If there is any doubt that any of these conditions may be breached then a temporary diversion or closure may be needed. Under these circumstances, please advise the applicant to contact Mr Andy Savage at this office at least 13 weeks prior to their proposed start date. Applicants should be aware that there is a cost in processing such Orders."

SHDC - Environmental Protection Officer

No objections.

Surfleet Parish Council

Support

Welland & Deepings Internal Drainage Board

No objections. Provides drainage advice should the proposed drainage systems be altered.

Members of the public - Objections - 2

Out of keeping
Overshadowing
Overlooking
Overbearing
Loss of view
Disturbance during construction

PLANNING CONSIDERATIONS

Principle of development

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; and
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The boundaries of the site when compared to previous application H17-0504-19 are extended to the west and slightly shortened to the north. This is considered to give an improved layout that allows for a less cramped design, a greater manoeuvrability for vehicles toward the front of the site and improved amenity for the future occupants.
2. The design is more traditional than that of the previous design and seeks to use materials more in keeping with the character of the surrounding area. Whilst the dwelling is set back from the highway this allows for a design that whilst partially secluded is considered to raise the standard of the built environment in the surrounding area.
3. Whilst the proposal doesn't seek to maximise the use of sustainable materials, it does seek to utilise materials that allow for a more traditional design that is in keeping with the character of the surrounding area.
4. The access will be gated with a gravel driveway. The large parking and turning area to the front of the property allows for the parking of a minimum of three parking vehicles, with a further two in the double garage. Space is also allowed for manoeuvrability to exit the site in a forward gear. The proposed dwelling contains three bedrooms so there is not considered to be a material increase in vehicle generation levels in the neighbourhood.
5. The settlement of Surfleet is a minor service centre in the SELLP settlement hierarchy. The assessment criteria for that level 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." This site, whilst outside of the defined settlement limits, has the benefit of an extant approval from 2019 and is considered to not materially impact on the existing facilities of Surfleet. The settlement requires 180 new homes by 2036 under the aspirations of the SELLP and this property would contribute toward that total.
6. There is not considered to be an impact on the surrounding area from noise or odour. There are no side elevation windows, and the first floor front elevation windows face toward the front centre of the site where the access is located. Windows to the rear look over arable land. There is not considered to be a material overlooking aspect.
7. The eastern boundary of the site is in Environment Agency Flood Zone 2, and the site is subject to a low flood hazard with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. Therefore, there is not a requirement to materially raise finished floor levels to address flood risk.
8. The proposal will not materially impact natural habitats, and historic buildings and heritage assets are unaffected. The public footpath to the side of the site will remain in place beyond the eastern elevation fencing.
9. Sand and gravel mineral resources are unaffected by this proposal.

Flood risk

The eastern boundary of the site is in Environment Agency Flood Zone 2, and the site is subject to a low flood hazard with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. Therefore, there is not a requirement to materially raise finished floor levels to address flood risk.

Parking provision

The access will be gated with a gravel driveway. The large parking and turning area to the front of the property allows for the parking of a minimum of three parking vehicles, with a further two in the double garage. Space is also allowed for manoeuvrability to exit the site in a forward gear. The proposed dwelling contains three bedrooms so there is not considered to be a material increase in vehicle generation levels in the neighbourhood.

Agent response - "Parking provision and disturbance during construction - The site has a long driveway from the main highway that ends in a substantial open courtyard and is served by a double garage. The parking provisions are in excess of the Local Authorities parking standards, which means there is no possibility that parking will occur on the public highway. The long driveway also ensures that in the event of deliveries, the driver will drive up the drive and turn around in the courtyard, as opposed to parking on the public highway and walking to the property. The substantial open courtyard also serves as a material store and parking area for construction workers during the construction process, and for a property of this size, with the number of workers on site at any given time is in excess of the space typically allocated for construction workers needs."

The proposal is considered to accord with Policy 36 and Appendix 6 of the SELLP.

Rights of way

The existing right of way will remain in place beyond the fenced eastern boundary of the site. The width of the right of way will not be altered.

Loss of view

The right of a view of land outside of your ownership does not carry material planning weight.

Agent response - "The site is surrounded by open fields on the west and north elevation. The views from the neighbouring property to the south of the site is due west and east. The proposal being located due north of this site and screened by mature trees doesn't affect the direct view that the neighbour already has at present. The east boundary of the site is screened by mature trees, the neighbour to the east of the site's views are north and south. Again the proposal being located due west of this site and screened by mature trees doesn't affect the direct view that the neighbour already has at present."

Proposed design

The design is more traditional than that of the previous design and seeks to use materials more in keeping with the character of the surrounding area. Whilst the dwelling is set back from the highway this allows for a design that whilst partially secluded is considered to raise the standard of the built environment in the surrounding area.

Agent response - "Having made a thorough investigation of the village, there appears to be no distinctive type of design for the properties. I understand from the previous design approved under reserved matters that the residents felt that the design was too modern and out of keeping with the surrounding area. To alleviate concerns myself and the applicant opted for a traditional rural look that would be more in keeping to what is anticipated for a rural village and community such as this."

Impact on neighbour amenity

Agent response - "The building is situated due north of any neighbours properties and therefore a shadow will never be cast over the neighbours property or gardens. The building has been designed with low eaves to reduce the height impact of the property and is positioned so that it is a good distance from the dwellings on neighbours sites so as not to directly overbear. The property is located in a discrete and well screened area of land, surrounded by mature trees on the south and east boundary. The building is modest, but is reflective of the land that it is located on and has been designed to be as discrete as possible within its setting. Again I understand from the previous design approved under reserved matters that the residents had concerns regarding overlooking, as the main bulk of the habitable rooms at first floor level faced directly into the garden area of the property to the south of the site. Although the distance between first floor windows to boundary was more than acceptable, myself and the applicant wanted to ensure there was no overlooking of any of the neighbours. This is also reflected in the rectangular shape of the design that positions the building so that there is no overlooking of

any neighbours properties or gardens."

CONCLUSION

It is considered that the proposed design is a significant improvement from the previously approved design under H17-0504-19 and raises the standard of the built design in the surrounding area. The proposed is considered to accord 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 (2019).

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.