DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0689-23**	**Applicant:**	**Mr T Forman**
Proposal:	Erection of 2 dwellings - approved under H17-1284-21. Modification of Condition 1 to allow amendments to previously approved plans		
Location:	Land Between 12 Flaxmill House & Old Lammas House Rerservoir Road Surfleet Seas End		
Terminal Date:	2nd October 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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has planning permission for 2 no. 5-bed two-storey dwellings (ref. H17-0346-19 and H17-1284-21). This application is to modify the proposal under S73. The proposed alterations include the following:
- House ridge heights lowered.
- Rooflights removed on front elevation.
- Gable windows removed at 2nd floor.
- Attic trusses removed at 2nd floor level.
- Details submitted of render and cladding.
- Alternative details in respect of the plinths.

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.

Recent History

H17-0346-19 - Outline - Residential development - 2 plots - Approved May 2019.

H17-1283-21 - Cond Comp - Details of scheme to deal with contamination & boundary treatment (Conditions 4 ((i), (ii)) & 5 of H17-0346-19) - Approved February 2022.

H17-1284-21 - RM - Erection of 2 Dwellings - outline approval H17-0346-19 - Approved February 2022.

H17-0641-22 - Cond Comp - Details of written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters (Condition 4 iii of H17-0346-19) - Approved August 2022.

Consultation Responses

Surfleet Parish Council

Support.

Local Lead Flood and Highway Authority

The amendments to the previously approved plans being proposed in this Application do not impact upon the safety or capacity of the local highway network and therefore the highway authority does not wish to object to the grant of consent for the application.

Environmental Protection

Request a standard contaminated land condition be applied at this location.

Welland and Deepings Internal Drainage Board

No comments.

Planning Considerations

The principle of 2 no. 5-bed two-storey dwellings has already been established by virtue of the previous approvals (ref. H17-0346-19 and H17-1284-21). This application is solely to modify condition 1 (approved plans) of H17-1284-21 as indicated earlier within the report. The main issue therefore is the implications in terms of visual impact and also the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, etc.

Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

the relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), 2019. Policies 2 and 3 of the SELLP, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2023. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Evaluation

Character/appearance

The proposal is for 2 x 5-bed two-storey dwellings, the design of which is almost identical, with the exception of the properties being handed differently and part of the front elevation of Plot 1 being rendered and Plot 2 being clad. The remainder of the proposed materials of construction are predominantly TBS Olde Coach House brick and natural slate roof tiles. Fenestration would be white wood grain UPVC. The proposed brick type is similar to the dwelling to the east of the site and in keeping with other red brick properties in the vicinity, and slate tiles are not uncommon. The colour of the cladding and render would be cream.

Whilst the properties are relatively large, they have a reduced ridge height to that previously permitted and are comparable in scale to other dwellings in the vicinity and are in keeping in visual terms.

The dwellings are set back from the road with detached double garages sited to the front. The garage to Plot 2 will generally be seen in the context of the neighbouring property to the east and that to Plot 1 is in close proximity to where are existing detached dilapidated building (to be demolished) is located at the road frontage. On this basis, it is not considered that the garages being sited forward of the dwellings would represent an unduly obtrusive feature. There are other examples of dwellings being set back from the road in the vicinity (e.g. on the corner of Seas End Road and Reservoir Road).

Condition 7 of the outline consent requires that finished floor levels be set at least 4.65m OD, which is approx. 150mm above Reservoir Road in front of the site. Reservoir Road is higher than the majority of the site and the dwellings would be raised by approx. 300-400mm above existing ground level. Dwellings raised to that level would not materially impact the street scene.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme

satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Amenity

Detached dwellings are located to the east (Old Lammas) and west (Flaxmill House). The existing dwelling to the east has facing windows belonging to a family room (ground floor) and bedroom and en-suite (first floor). However, the side facing windows/doors to the dwelling sited on Plot 2 are only to non-habitable spaces (en-suites and utility) and front/rear facing windows are at an oblique angle, thus meaning no material overlooking aspect in that regard. As Plot 1 is handed, it means that those same windows face the dwelling to the west. There are no longer side facing windows serving an attic. There are no dwellings to the rear of the site and the relationship with the properties opposite is tantamount to a normal frontage relationship.

As the dwelling sited on Plot 2 is set back further than the existing dwelling to the east, this minimises the visual impact of the development from those side facing windows highlighted above. This does however mean that the new dwelling would project approximately 8m beyond the rear elevation of the Old Lammas. Given that there is a separation distance of approx. 6.8m and there is an existing large single storey building within the curtilage of the Old Lammas on the western side, it is not considered that there would be a material overbearing impact, or an unacceptable loss of light given the orientation of the dwellings.

There is an approx. 30m separation distance to Flaxmill House to the west, which is sufficient to retain/achieve an acceptable standard of residential amenity.

The patios to the rear of dwellings would be raised by approx. 200mm and the remaining level of the rear garden would not be significantly different to that existing. On that basis, 2m high fencing to the central and western boundaries is appropriate. No new boundary treatment is proposed on the eastern boundary but the existing boundary treatment to the rear of the neighbouring property is either approx. 1.8m fencing or where it is lower there is evergreen hedging that appears to be over 2m in height. This is of a sufficient height given the proposed levels and the fact that views from the patio towards the neighbouring dwelling would largely be obscured by the intervening outbuilding.

Concluding, it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. This is subject a condition relating to boundary screening.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Other Matters

Environmental Protection have requested a contaminated land condition. In this respect, such a condition was previously imposed and parts i-iii have been discharged, with part iv) remaining outstanding.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The principle of 2 no. 5 bed houses on this site has already been established by virtue of the previous permissions. The amended proposal does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

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.

Conclusion

The proposal is considered to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

That the application be approved under delegated power, subject to conditions.