DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0740-21**	**Applicant:**	**JMAD Architecture**
Proposal:	Proposed dwelling with attached double garage - re-submission of H17-0017-21		
Location:	88 Reservoir Road Surfleet Spalding		
Terminal Date:	2nd September 2021		

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

Sections 5, 12 and 14 of the 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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a proposed dwelling with attached double garage at 88 Reservoir Road, Surfleet and is a re-submission of H17-0017-21. The proposal seeks to provide a capital H shaped two storey dwelling. The ground floor will contain a double garage, two bedrooms, two en-suites, a lounge, a living / dining area, media room, utility, wc, kitchen and an al fresco dining area adjacent to an area of patio. The first floor level will contain a master bedroom, balcony, office, en-suite and a dressing room. Proposed materials of construction are white render with feature stone elements, and grey imitation Cassius Antique slate tiles. Solar tiles are to be sited on the first floor front elevation roofslope. A barn to the rear of the site is to be retained. Three swift boxes are to be sited on the western side elevation at first floor level.

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by linear development of varying ages and designs. Part of the site on which the dwelling would be sited is in Environment Agency Flood Zone 3. The site is a mixture of "Low Hazard" and "Danger for Some", with a maximum predicted flood depth of 0.25 metres on the 2115 1% South Holland Strategic Flood Risk Mapping.

HISTORY

H17-0017-21

Full - Proposed dwelling with attached double garage - Approved - 03 March 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Planning Officer

Request construction management plan condition as well as an unexpected contamination informative.

Welland & Deepings Internal Drainage Board

"In the time since my previous comments on application H17-0071-21, an application was made by the
developer for consent to discharge treated foul water effluent into the adjacent private dyke which was
subsequently granted by the Board."

"I note on this current application form that the proposal for discharge of surface water from the dwelling and
possibly other impermeable surfaces is to the same adjacent private dyke now instead of soakaways as detailed
under H17-0071-21."

"I have held informal discussions with the developer in the meantime and explained that this is agreeable with

the Board in principle subject to the prior submission of another application for consent to discharge surface
water, along with payment of the application fee and relevant developer contribution prior to any connection
being made."

"I am currently in discussion with the developer s agent to find out what the confirmed amount of impermeable
area to be discharged into the dyke will be."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Minor Service Centres. 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 is for an infill development and will help sustain existing facilities in the settlement.

The proposal therefore satisfactorily accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

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

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

1. The size, scale, layout and density is considered to be appropriate for the site. Existing trees on site are to be retained. The proposal is for a dwelling on land which is between two dwellings so there is not considered to be an impact to the character and appearance of the surrounding area.

2. The design is considered to be of a good quality, which it is hoped will raise design standards in the surrounding area for future development. The orientation accords with the standard linear frontage of other dwellings in the vicinity.

3. The proposed does not seek to maximise sustainable materials and resources but utilises materials that are broadly in keeping with the general built character of the area.

4. The proposed access is existing and is already shared with 94 The Reservoir to the east of the site. The proposal is for a three bedroom dwelling and the site meets the requested minimum of two off road parking places under Appendix 6 of the SELLP.

5. The proposal is not considered to materially impact community services and infrastructure.

6. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal as there are no side elevation windows, and the first floor front and rear balconies do not directly face neighbouring properties. Additionally, there is not considered to be an overbearing or overshadowing impact. The adjacent dwellings to the east and west are both two storey, and the proposed dwelling, whilst also two storey, has the bulk of development at single storey level only. The closest distance to Bramble Nook to the west is 14.7 metres and 26.9 metres to 94 Reservoir Road to the east. Therefore there is not considered to be an overbearing or overshadowing impact.

7. Part of site on which the dwelling would be sited is in Environment Agency Flood Zone 3. The site is a mixture of "Low Hazard" and "Danger for Some", with a maximum predicted flood depth of 0.25 metres on the 2115 1% South Holland Strategic Flood Risk Mapping. The proposal finished floor levels will average 530mm above ground level so it is considered that matters of flood risk have been satisfactorily addressed.

The proposal is considered to accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. The proposal is considered to improve a sense of place by removing the majority of the agricultural buildings on site and replacing with a dwelling of good design.

9. The orientation of the dwelling is to fit in with the linear frontage dwellings to the east and west, therefore the building has not been orientated to best enable low-carbon technologies. However, solar tiles are to be sited on the first floor front elevation roof slope.

11. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the

proposal as there are no side elevation windows, and the first floor front and rear balconies do not directly face neighbouring properties. Additionally, there is not considered to be an overbearing or overshadowing impact. The adjacent dwellings to the east and west are both two storey, and the proposed dwelling, whilst also two storey, has the bulk of development at single storey level only. The closest distance to Bramble Nook to the west is 14.7 metres and 26.9 metres to 94 Reservoir Road to the east. Therefore there is not considered to be an overbearing or overshadowing impact.

12. Part of site on which the dwelling would be sited is in Environment Agency Flood Zone 3. The site is a mixture of "Low Hazard" and "Danger for Some", with a maximum predicted flood depth of 0.25 metres on the 2115 1% South Holland Strategic Flood Risk Mapping. The proposal finished floor levels will average 530mm above ground level so it is considered that matters of flood risk have been satisfactorily addressed.

The application accords with SELLP Policy 3.

Flood risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Surfleet. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district. In terms of the latter, the Flood Risk Assessment has recommended that the properties be two-storey and that finished floor levels (FFLs) be set at least 530mm above existing ground level. It is considered that the proposed FFLs satisfactorily address flood risk.

PLANNING BALANCE

The proposed dwelling is considered to raise the standard of design in the vicinity and does not impact the character or amenity of the surrounding area. The proposal 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.

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.