

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-0810-21	Applicant:	Mr M Yould
Proposal:	Residential Development of 9 Dwellings - re-submission of H17-0701-20		
Location:	72 Station Road Surfleet Spalding		
Terminal Date:	6th January 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
29	The Historic 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 2021**

NPPF 2021.

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
RESIDENTS	0	0	0	4

CASE OFFICER ASSESSMENT

PROPOSAL

Residential Development of 9 Dwellings. 7 three-bed and 2 four-bed dwellings are proposed, two served by Hungate Lane and 7 via a private road and footpath from Station Road.

Plot 1 (Alconbury) Three-bed bungalow
Plot 2 (Alconbury - handed)Three-bed bungalow
Plot 3 (Barnwell) Three-bed bungalow
Plot 4 (Alconbury) Three-bed bungalow
Plot 5 (Cambourne) Two storey, four-bed dwelling
Plot 6 (Badby) Two storey, four-bed dwelling
Plot 7 (Barnwell - handed) Three-bed bungalow
Plot 8 (Foxton) Three-bed bungalow
Plot 9 (Elm)Three-bed bungalow

The application is supported by a Flood Risk Assessment and Phase II Contamination Report.

The application has been revised since original submission and provides a private road and footpath.

SITE DESCRIPTION

The site was previously used as a nursery that includes Glasshouses and arable land for growing of plants, totalling 0.954 Hectares in area, located to the rear of a recent small development on to Station Road. There is also an existing overgrown access from Hungate Lane.

There is no evidence that the site is or has been formally drained into the existing adopted sewer system and with the topography of the land falling circa 1m to the northern boundary away from Station Road and the River Glen surface water connectivity to the River or the road is unlikely.

There is an existing drainage ditch located to the northern boundary of the site approximately 400mm-600mm deep which drains to the west along the northern boundary. This ditch then runs north essentially parallel to Hungate Lane into the wider ditch network.

Site levels within the development area vary from circa 5m AOD to the frontage of the site (Southern boundary which is Station Road) to circa 3.42m AOD to the north east corner of the site. The average gradient across the site south to north is circa 1:70 towards the northern boundary ditch.

The site currently has glasshouses and other structures on it but no evidence of formal surface water drainage.

The development site is contained partially within Flood Zones 1, 2 and 3 which in accordance with Table 1 of the NPPF Technical Guidance document, is defined as Low Probability, Medium and High Probability of flooding.

There are existing flood defences identified to the southern side of Station Road which could potentially protect the site from flooding although the EA mapping does not identify the site as benefiting from flood defences.

The Environment Agency standing advice note for sites within Flood Zone 1 greater than 1 hectare in size requires a flood risk assessment to be undertaken which should concentrate on dealing with the proposed surface water run-off from the site and how the run-off is dealt with and controlled. The southern part of the site is contained within Flood Zone 1 with the northern portion of the site within Flood Zone 3. This generally correlates as the topographical survey shows a slight gradient and reduction in levels to the northern boundary adjacent to the existing drainage ditch.

RELEVANT HISTORY

H17-0673-20. FULL. Change of use of land from agricultural to domestic garden for Plots 1-5. Approved 30-10-20.

H17-0053-20. FULL. Residential development of 5 no. detached dwellings. Approved 04-06-20.

H17-0149-19. RESERVED MATTERS. Erection of 5 detached dwellings (Outline Approval H17-0563-16). Approved. 04-04-19.

H17-0563-16. SEC 73 MODIFICATION. Residential development - approved H17-0798-15 - Removal of Condition 6 relating to affordable housing. Approved. 09-08-16.

H17-0798-15. OUTLINE. Residential development. Approved. 02-03-16

REPRESENTATIONS

Surfleet Parish Council

Support.

SHDC Environmental Protection Officer

Has reviewed the following documents, which should form part of the approved plans at this location:

- 'A phase II contamination report to support a planning application for a residential development at: Land adjacent to 72 Station Road, Surfleet' ref MSH/17.04:1/Phase II Rev A dated 12 May 2017

- A phase I desk study to address condition 4 of planning permission reference H17-0798-15 for a residential development at: Land adjacent to 72 Station Road, Surfleet' 28 February 2017 ref DJM/17.041/Phase I

An addendum report to address condition 4 of outline planning permission referenced H17-0798-15, for a residential development at: Land adjacent to 72 Station Road, Surfleet' ref DJM/17.041/Phase II/Add dated 17 July 2017 was also presented, but is not relevant to this application.

In general agreement with the findings of the Phase II report and recommend that parts iii to iv of the standard land contamination condition be applied at this location. Further sampling is required around the above ground fuel tanks and former heater but this can be incorporated into the remediation strategy. Remediation is required in order to achieve a safe development, and a remediation strategy and proposals for validation must be agreed prior to the commencement of work on site.

LCC Highways and Lead Local Flood Authority

A formal response is awaited to the most recent plans, received on 13 December, at the time of writing this report.

With regard to amendments on 10 December, that proposed an adopted road and footpath from Station Road:

Note that the Setting Out Plan now includes an annotation indicating that the road and footpath are to be adopted. Whilst the carriageway and the footway are of a width suitable for adoption and a single footway would be acceptable for this situation, the construction of the earlier part of this development has not allowed sufficient space at the junction with Station Road to construct the radii required for an adoptable highway.

Also, the specification for construction of the carriageway does not meet that required for an adoptable highway.

Also, the drainage strategy within the submitted Flood Risk Assessment would not provide a drainage system that would be appropriate for an adoptable highway (notwithstanding the fact that this Drainage Strategy shows a filter drain where the Setting Out Plan shows a footway).

In view of the above, the Highway Authority would decline to accept this road and footway for adoption as a Highway to be maintained at the public expense.

Welland and Deeping Internal Drainage Board

No comment to make.

Public

Two representations received questioning the lack of one house type and the location of bin collection points.

Both of these matters were clarified by subsequent amendments and submissions.

One comment received regarding provisions for Swifts.

PLANNING CONSIDERATIONS

The main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Refuse Collection

Impact on neighbouring Residents/land users

Flooding considerations

Foul and Surface Water Drainage

Contaminated Land

Principle of Development

The principle of the development of this site was agreed by the grant of outline consent in 2016, which looked at a wider site, some of which has been built out. See the history set out above.

Layout and Design

This part of Station Road and Hungate Lane has a mix of dwelling types and ages, being detached and semi detached bungalows, chalet bungalows and two storey dwellings. It is considered that the mix and form of the dwellings proposed by this application would provide a pleasant addition to the form of built development in the locale.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP in this regard.

Highway safety and parking

The access road from Station Road, which is to be a private road, is on the line of the access previously approved for the site and would not result in detriment to vehicular or pedestrian safety.

The road form is to be a private drive and footpath, as the relevant dimensions cannot be achieved at the entrance; see the response of LCC above.

Each dwelling would have on plot parking.

It is considered that the development would accord with Policies 2, 3 and 36 of the SELLP in this regard.

Refuse Collection

The SHDC Private Drives - Waste Vehicle Collection Service - Guidance Note, published by the Waste Service, is not a planning policy or planning guidance, but has been taken into account as a material consideration in looking at the layout of the proposals.

As a result of the recent development on this site, as can be seen within the LCC Highway consultation response above, the correct dimensions for an adopted road cannot be achieved for this proposal. This has resulted in the applicant committing to a private refuse collection arrangement.

It is recommended that a condition be appended to ensure that the private refuse collection arrangements are submitted and approved. Provided this is achieved, then the proposal would accord with Policies 2 and 3 of the SELLP.

Impact on neighbouring Residents/land users

The use of bungalows and two storey dwellings, together with the orientation of the dwellings, would not lead to a degree of overlooking that would warrant refusal of this scheme. It is considered that the proposal accords with Policies 2 and 3 of the SELLP in this regard.

In addition, to ensure that the raising of levels on this site does not compromise the privacy of adjoining residents, a condition is proposed to seek the full boundary treatments.

Flooding considerations

The assessment of flood risk in Section 6 of the submitted FRA confirms a LOW risk of flooding from all sources of flooding except from watercourses (HIGH) potential implications of climate change which is considered a MEDIUM risk primarily from tidal sources. Mitigation measures are set out within the FRA, which can be conditioned.

It is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP in this regard.

Foul and Surface Water Drainage

Foul sewage is to be disposed of via the mains sewer.

Surface water be disposed of via soakaways.

It is not considered that further details need to be submitted.

Contaminated Land

The SHDC Environmental Protection Officer is in general agreement with the findings of the Phase II report and recommend that parts iii to iv of the standard land contamination condition be applied at this location. Further sampling is required around the above ground fuel tanks and former heater but this can be incorporated into the remediation strategy. Remediation is required in order to achieve a safe development, and a remediation strategy and proposals for validation must be agreed prior to the commencement of work on site.

A condition is recommended.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking and access facilities. Taking into consideration the factors and considerations set out above, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 6, 10, 11, 17, 18, 28, 29, 30, 31, 32, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

CONCLUSION

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

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.

RECOMMENDATION

That the application be approved under delegated powers.

The application was considered by the Chairman's Panel meeting of 23 December 2021, and a delegated decision was considered to be appropriate.