

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0975-22 **Applicant:** Mr R Brown

Proposal: Demolition of Agricultural Building and Erection of New Dwelling (retrospective)

Location: Fairview Birds Drove Surfleet

Terminal Date: 11th January 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

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	1	0	0
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective application for demolition of an agricultural building and the erection of a new dwelling at Fairview, Birds Drove, Surfleet. The site is currently empty with the agricultural building having been demolished and removed from the site. The proposal seeks to provide a two storey dwelling that contains an double integral garage, lounge, study, wc, lounge, utility, pantry and an open plan kitchen / dining area at ground floor level. At first floor level four bedrooms, an en-suite and a bathroom.

Proposed materials of construction are red / brown brick. charcoal boarding, a Welsh slate roof as well as terracotta pantiles. The site previously benefitted from full planning permission for conversion of the existing agricultural buildings to a nursery dwelling under reference H17-0531-21. However, the building to be converted has since been demolished. Additionally whilst the footprint is similar, the new proposal is substantially larger, with an additional floor and bears little comparison to the approved converted building. There is a policy of restraint on new residential development in the countryside unless exceptional circumstances apply.

SITE DESCRIPTION

The site is in the open countryside and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. Dwellings are located immediately to the east and west of the site with arable fields to the north and south. The site is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.25 metres. A slightly higher hazard and flood depth is shown for a very narrow area of the frontage boundary, however, this where a drainage ditch is located, where no development will take place.

RELEVANT HISTORY

H17-0531-21

Full - Conversion of former agricultural & nursery buildings to residential dwelling - Approved - 15 July 2021.

H17-0404-22

Full - Conversion and alterations of agricultural and nursery buildings into residential dwelling - Withdrawn - 15 June 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections - "Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the vehicular activity associated with the proposed residential development would be expected to have a lesser impact upon the local highway network and upon highway safety generally than the past agricultural use of this site and therefore does not wish to object to this planning application."

They request standard access and utility informatives.

South Holland District Council - Environmental Protection

"I request a standard contaminated land condition to be applied at this location."

Welland & Deepings Internal Drainage Board

"I note that surface water will be disposed of via soakaways and permeable surfaces. I see from the submitted plan that the access culvert serving the property is proposed to be widened. If this culvert crosses an open watercourse, then the Board's prior written consent will be required and the agreement of technical details. The applicant can contact the Board directly to discuss this, should planning permission be granted."

Surfleet Parish Council

Support

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Countryside

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

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

The approval granted on this site under reference H17-0531-21 was to allow for a conversion in accordance with Policy 23 of the SELLP. As the agricultural building has been demolished this conversion can no longer take place and the principle of development must be assessed under Policy 1 with regard to building a new dwelling in the open countryside.

When the application is assessed against the sustainable development criteria the following can be observed:

Economic - Apart from providing short term construction jobs the new dwelling would not economically benefit the surrounding area.

Community - The proposal would be in an existing line of residential development. However, these dwellings are either replacement dwellings or built to house agricultural workers. This proposal is for market housing. There are no community buildings in this area and the dwellings and the vicinity of sparsely populated to the extent that good and services are not located within a quick walking distance.

Environmental - The site is a significant distance from the defined settlements of both Surfleet and Gosberton, with each settlement located at least one and half miles away by road at the nearest point. There is no footpaths or public transport routes that serve Birds Drove which mean that residents are solely reliant on private transport to access goods and services.

This proposal does not accord with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

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

1. The size, scale and layout is not comparable with the approved converted building under H17-0531-21. No trees will be removed to facilitate this proposal. There is considered to be a material impact from the character and appearance of the surrounding area due to the nature of the design not be in keeping with that of the surrounding buildings.

2. The design and orientation is not in keeping with other buildings in the vicinity of the site. The building presents as a large suburban dwelling in a countryside context.

3. Proposed materials are not standard construction materials in the surrounding area.

4. A residential vehicle access is proposed. The site can provide approximately six off road parking spaces. This exceeds the minimum amount required under Appendix 6 of the SELLP which seeks a minimum of three off road spaces for dwellings with four bedrooms or greater. The County Highways & SUDS Officer has no objections to the submitted details and requests standard access and utility informatives.

5. There is not considered to be a material impact on community services and infrastructure from the proposal.

6. There is not considered to be a material noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. There is adequate amenity areas to the side and rear of the plot.

Overshadowing - There is not considered to be a material overshadowing aspect. When right to light lines are drawn from the proposed roof lines the adjacent dwellings and garden spaces are not materially impacted due to the scale and siting of the properties.

Overlooking - There proposed design is considered to generate a material overlooking impact. There are a total of 13 windows on the western elevation. Four of these windows are above ground level and face a dwelling to the west named Fairview. Two of the four windows serve a stairwell and the other two will be observed glazed and serve a bathroom and an en-suite, which will be obscure glazed. The windows to the northern principal elevation face the arable fields beyond. The windows of the southern elevation face the rear garden of the plot with arable fields beyond. The first floor southern windows serve two bedrooms. These windows are a minimum of 15 metres from the neighbouring side boundaries and do not directly face the dwellings or gardens of the adjacent dwellings. The eastern windows that serve the ground floor kitchen will face the existing 1.8 metre fence at the boundary with Mala Wala to the east. The first floor eastern windows serve bedrooms. The window of bedroom 2 is 6.7 metres away from the boundary with Mala Wala. This window directly faces the seven side west elevation windows of Mala Wala. Whilst tree screening is proposed this is not in place and will not fully address overlooking. This tree screening would be considered to have a material overshadowing impact on the west elevation windows of Mala Wala.

7. The site is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.25 metres. A slightly higher hazard and flood depth is shown for a very narrow area of the frontage boundary, however, this where a drainage ditch is located, where no development will take place.

The application does not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

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

1. The size, scale and layout is not comparable with the approved converted building under H17-0531-21. No trees will be removed to facilitate this proposal. There is considered to be a material impact from the character and appearance of the surrounding area due to the nature of the design not be in keeping with that of the surrounding buildings.

4. The site is not served by public transport, footpaths or cycle ways.

5. There is adequate space on site for bin and cycle storage. The site can provide approximately six off road parking spaces. This exceeds the minimum amount required under Appendix 6 of the SELLP which seeks a minimum of three off road spaces for dwellings with four bedrooms or greater. The County Highways & SUDS Officer has no objections to the submitted details and requests standard access and utility informatives.

11. There is not considered to be a material noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. There is adequate amenity areas to the side and rear of the plot.

Overshadowing - There is not considered to be a material overshadowing aspect. When right to light lines are drawn from the proposed roof lines the adjacent dwellings and garden spaces are not materially impacted due to the scale and siting of the properties.

Overlooking - There proposed design is considered to generate a material overlooking impact. There are a total of 13 windows on the western elevation. Four of these windows are above ground level and face a dwelling to the west named Fairview. Two of the four windows serve a stairwell and the other two will be observed glazed and serve a bathroom and an en-suite, which will be obscure glazed. The windows to the northern principal elevation face the arable fields beyond. The windows of the southern elevation face the rear garden of the plot with arable fields beyond. The first floor southern windows serve two bedrooms. These windows are a minimum of 15 metres from the neighbouring side boundaries and do not directly face the dwellings or gardens of the adjacent dwellings. The eastern windows that serve the ground floor kitchen will face the existing 1.8 metre fence at the boundary with Mala Wala to the east. The first floor eastern windows serve bedrooms. The window of bedroom 2 is 6.7 metres away from the boundary with Mala Wala. This window directly faces the seven side west elevation windows of Mala Wala. Whilst tree screening is proposed this is not in place and will not fully address overlooking. This tree screening would be considered to have a material overshadowing impact on the west elevation windows of Mala Wala.

12. The site is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.25 metres. A slightly higher hazard and flood depth is shown for a very narrow area of the frontage boundary, however, this where a drainage ditch is located, where no development will take place.

The application does not accord with SELLP Policy 3.

PLANNING BALANCE

It is considered that the application has not adequately demonstrated that a new dwelling is essential in this location. Whilst the site previously benefitted from planning permission this was for conversion of an existing agricultural dwelling which is supported by local and national policy. As the building has been demolished the previous permission can no longer be commenced. When the principle of development is assessed in this location there is not considered to be substantive economic, social or environmental benefits to be derived. Additionally the design and siting would create material visual and residential impacts.

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2021).

CONCLUSION

This application is recommended for refusal.

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.