DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1342-21**	**Applicant:**	**Mr C Douglas**
Proposal:	Erection of a single storey art studio		
Location:	6 The Reservoir Surfleet Seas End Spalding		
Terminal Date:	18th February 2022		

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

National Guidance

National Planning Policy Framework 2021

Sections 12 and 14 of the National Planning Policy Framework (2021)

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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application for the erection of a single storey art studio at 6 The Reservoir, Surfleet Seas End. The proposal seeks to provide a studio that is sited on curtilage land on the opposite side of The Reservoir from the dwelling. The studio will measure 6.5 metres in width by 5 metres in depth, have an eaves height of 3.63 metres and a ridge height of 5.25 metres. The finished floor level is 1.2 metres above existing ground level as the The Reservoir is located on a functional floodplain for the River Glen. The proposed materials of construction are bricks and black timber cladding to match the existing dwelling, with black corrugated metal sheeting for the roof. To the western side of the studio a 1.2 metre high decking area will be sited. This area will be sited above the existing sewage treatment plant and will measure 2.98 metres in width and 3.88 metres in depth. The decking area and art studio will be accessed by a timber staircase adjacent to the parking area. An open void will be sited below the art studio to allow any potential flood water to pass through. A high level window will be sited on the eastern side elevation, with a door on the western side elevation, two windows are sited to the frontage south facing elevation, with no windows on the northern rear elevation.

SITE DESCRIPTION

The site is outside of defined settlement limits and the adjacent buildings along The Reservoir are predominately single storey buildings of various ages and designs, that are mostly raised above ground level to address risk. The studio is 1.05 metres from the rear boundary with 33 Reservoir Road at the nearest point, is immediately adjacent to the fence at 5 The Reservoir, is 1.8 metres from the existing detached garage and is 10.28 metres from the host dwelling. The rear boundary fencing at 33 Reservoir Road is approximately 2.2 metres in height. The site is flagged as a Water Storage Area on Environment Agency mapping and as a Functional Floodplain on the SELLP boundary map.

RELEVANT HISTORY

H17-1066-19

Full - Replacement single-storey dwelling and detached garage - Approved - 16 December 2019.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No observations.

Environment Agency

No objections - Requests a finished floor levels condition.

Welland & Deepings Internal Drainage Board

No objections.

Surfleet Parish Council

Support.

Member of the public - Objection

Disturbance during construction - This is not a matter that carries material planning weight.

Parking provision

Overlooking

PLANNING CONSIDERATIONS

Principle of development

This application is for residential development on residential land. The principle of development in this location is considered to be acceptable.

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 and layout of the proposed studio is considered to be appropriate for the site. The studio at 5.25 metres is lower in height than that of the adjacent garage, which is 5.52 metres in height and was approved under application H17-1066-19. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and amenity of the surrounding area.

2. The design is in keeping with that of the garage and dwelling approved under H17-1066-19. The orientation best enables access and the fenestration arrangement allows for maximising natural daylight into the building.

3. Materials are to match that of the adjacent garage and dwelling, being constructed from matching brickwork and black timber cladding. This is considered to benefit the character of the surrounding area.

4. The vehicular access is not being altered and the site can accommodate three off road parking spaces. The three parking spaces exceed the requested minimum amount of two spaces for a dwelling with three bedrooms or fewer under Appendix 6 of the SELLP.

5. Existing community services and infrastructure are not impacted by this proposal.

6. There is not considered to be a noise, odour or disturbance impact from this proposal. A member of the public has made a complaint about noise and disturbance during construction but this is a matter which does not carry material planning weight. With regard to visual intrusion the following can be observed.

Overdevelopment - The proposal is not considered to represent overdevelopment. There are a number of dwellings with curtilage buildings of a similar size on the northern bank of The Reservoir.

Overbearing / overshadowing - There is not considered to be an overbearing or overshadowing impact from the proposed studio. The studio is sited 10.28 metres north from the host dwelling, with 5 The Reservoir 10.7 metres away, and 7 The Reservoir 14.5 metres away with the garage sited in front of the site line. Due to the southern trajectory of the sun and the separation distances there is not considered to be an overshadowing / overbearing impact on the dwellings to the south. 33

Reservoir Road is sited 9.5 metres to the north-west. Additionally, the property is sited on ground approximately 1.5 metres higher than that of the ground on which the studio is sited. Using right to light calculations there is not considered to be an overshadowing impact to this property.

Overlooking - The western side elevation access door directly faces the blank side elevation of the garage wall at 5 The Reservoir, there is not considered to be an overlooking aspect from this fenestration. The eastern side elevation high level window is sited approximately 2.1 metres above finished floor level and will not provide an overlooking aspect. The two front elevation windows of the studio are 1.9 metres in height to maximise natural light. These frontage windows directly face the host dwelling at 6 The Reservoir. There is not considered to be a material overlooking aspect to the dwellings at 5 and 7 The Reservoir. This is due to the separation distances, an art studio not being classed as a habitable room, and any views of 7 The Reservoir obscured by the garage to the east.

With regard to the proposed decking, this is not considered to constitute a material overlooking aspect. Due to the difference in topography the rear elevation windows of 31 and 33 Reservoir Road can already be viewed by properties at The Reservoir. The decking is primarily to allow access to the art studio and it is not considered that a person would stand on the decking to view the properties on Reservoir Road that they can already see from standing on the road or within their own dwelling on The Reservoir if they were so inclined. If someone used the decking for siting on a chair, they could not view a significant amount of the dwellings to the rear. The north facing frontage dwellings on The Reservoir can already be viewed from the highway despite being raised above existing ground level.

7. The site is flagged as a Water Storage Area on Environment Agency mapping and as a Functional Floodplain on the SELLP boundary map. The Environment Agency has no objections to the submitted Flood Risk Assessment document and have requested a condition that finished floor levels shall be set no lower than 5.21 metres above Ordnance Datum (AOD).

This application accords 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. A sense of place is not considered to be affected by the proposed studio which is in keeping with the existing dwelling and garage. The size, scale and layout of the proposed studio is considered to be appropriate for the site. The studio at 5.25 metres is lower in height than that of the adjacent garage, which is 5.52 metres in height and was approved under application H17-1066-19. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and amenity of the surrounding area.

5. There is adequate space on site for cycle and bin storage. The vehicular access is not being altered and the site can accommodate three off road parking spaces. The three parking spaces exceed the requested minimum amount of two spaces for a dwelling with three bedrooms or fewer under Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour or disturbance impact from this proposal. A member of the public has made a complaint about noise and disturbance during construction but this is a matter which does not carry material planning weight. With regard to visual intrusion the following can be observed.

Overdevelopment - The proposal is not considered to represent overdevelopment. There are a number of dwellings with curtilage buildings of a similar size on the northern bank of The Reservoir.

Overbearing / overshadowing - There is not considered to be an overbearing or overshadowing impact from the proposed studio. The studio is sited 10.28 metres north from the host dwelling, with 5 The Reservoir 10.7 metres away, and 7 The Reservoir 14.5 metres away with the garage sited in front of the site line. Due to the southern trajectory of the sun and the separation distances there is not considered to be an overshadowing / overbearing impact on the dwellings to the south. 33 Reservoir Road is sited 9.5 metres to the north-west. Additionally, the property is sited on ground approximately 1.5 metres higher than that of the ground on which the studio is sited. Using right to light calculations there is not considered to be an overshadowing impact to this property.

Overlooking - The western side elevation access door directly faces the blank side elevation of the garage wall at 5 The Reservoir, there is not considered to be an overlooking aspect from this fenestration. The eastern side elevation high level window is sited approximately 2.1 metres above finished floor level and will not provide an overlooking aspect. The two front elevation windows of the studio are 1.9 metres in height to maximise natural light. These frontage windows directly face the host dwelling at 6 The Reservoir. There is not considered to be a material overlooking aspect to the dwellings at 5 and 7 The Reservoir. This is due to the separation distances, an art studio not being classed as a habitable room, and any views of 7 The Reservoir obscured by the garage to the east.

With regard to the proposed decking, this is not considered to constitute a material overlooking aspect. Due to the distance in topography the rear elevation windows of 31 and 33 Reservoir Road can already be viewed by properties at The Reservoir. The decking is primarily to allow access to the art studio and it is not considered that a person would stand on the decking to view the properties on Reservoir Road that they can already see from standing on the road or within their own dwelling on The Reservoir if they were so inclined. If someone used the decking for siting on a chair, they could not view a significant amount of the dwellings to the rear. The north facing frontage dwellings on The Reservoir can already be viewed from the highway despite being raised above existing ground level.

12. The site is flagged as a Water Storage Area on Environment Agency mapping and as a Functional Floodplain on the SELLP boundary map. The Environment Agency has no objections to the submitted Flood Risk Assessment document and have requested a condition that finished floor levels shall be set no lower than 5.21 metres above Ordnance Datum (AOD).

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 4 - Approach to Flood Risk

This proposal is assessed against SELLP Policy 4 - Approach to Flood Risk. This policy states:

"Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:

1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development1 or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).

2. It can be demonstrated that essential infrastructure in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk.

3. The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which:
a. demonstrate that the vulnerability of the proposed use is compatible with the flood zone;
b. identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;
c. propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime;
d. include appropriate flood warning and evacuation procedures where necessary (referring to the County's evacuation routes plan), which have been undertaken in consultation with the authority's emergency planning staff;
e. incorporates the use of Sustainable Drainage Systems (SuDS) (unless it is demonstrated that this is not technically feasible) and confirms how these will be maintained/managed for the lifetime of development (surface water connections to the public sewerage network will only be permitted in exceptional circumstances where it is demonstrated that there are no feasible alternatives);
f. demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall;
g. demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;
h. ensures suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure.

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

1. The art studio cannot be accommodated on any other site.

2. The site will provide an art studio for the applicant. The existing dwelling cannot be materially extended to facilitate this use.

3a. The art studio is protected from vulnerability to flooding by being raised 1.2 metres above ground level, and by having a void underneath to allow flood water to pass through.

3b. The submitted FRA identifies the appropriate finished floor level to address flood risk. The Environment Agency has no objections to the submitted details.

3c. The art studio is protected from vulnerability to flooding by being raised 1.2 metres above ground level, and by having a void underneath to allow flood water to pass through. Additionally the Environment Agency has requested the incorporation of flood resilient and flood resistant measures throughout the development.

3d. The building is not classed as a habitable room and can be easily evacuated by utilising the adjacent staircase.

3e. The use of SUDS is not considered to be required in this location. This is because the dwelling has a void underneath. This reduces the footprint of the building in contact with the ground.

3f. Due to the flood resilience measures in the design, the proposed art studio is not considered to materially increase the risk of flooding elsewhere in the vicinity of the site.

3g. Foul water treatment already exists to serve the dwelling. The studio does not require connection to foul water drainage systems.

3h. Whilst decking is sited above the existing treatment plant. Space is left below the decking for access to be maintained.

This application accords with SELLP Policy 4.

PLANNING BALANCE

It is considered that the proposed art studio can be incorporated onto the site without materially impacting the character and amenity area. The submitted FRA and design successfully demonstrates that the building should be safe from flood risk throughout its lifetime. This application accords with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 14 of the National Planning Policy Framework, 2021.

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.