DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0671-20**	**Applicant:**	**Mr L Johnson**
Proposal:	Demolition of existing garage and construction of a bungalow		
Location:	26 West Bank Crowland Spalding		
Terminal Date:	20th October 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
04	Approach to Flood Risk
02	Development Management
03	Design of New Development
11	Distribution of New Housing
10	Meeting Assessed Housing Requirements
17	Providing a Mix of Housing
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
Section 11- Making effective use of land
Section 12- Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the demolition of the existing detached double garage and the construction of a proposed bungalow at 26 West Bank, Crowland.

The submitted drawings indicate a 2-bedroom bungalow.

Site Description

The site forms part of the residential curtilage of no. 26 West Bank (approx. 0.10ha), which sits to the west, and currently accommodates a detached garage. The site is accessed from The Willows, which is a residential cul-de-sac, where the dwellings consist of mostly large detached two storey dwellings of a similar age and design. There are also properties to the south and east. Ground levels fall away from West Bank.

History

H02-0009-12- Approved- 08-03-12- Proposed Detached 2 bed Bungalow.

Consultation Responses

North Level IDB - No comment in regard to the application.

LCC Historic Environment Officer - Requested that a developer should be required to commission an
Archaeological Scheme of Works, secured by standard SHDC conditions.

SHDC Environmental Protection Officer - No comments or objections.

LCC Highways/SUDS- Requests that the applicant provides a new block plan showing 2 car parking spaces.

Planning Considerations

Principle

The site is situated within Crowland's settlement boundary according to inset map no. 3 in the South East Lincolnshire Local Plan (SELLP, 2019).

Crowland is considered to be a Main Service Centre according to Policy 1, Spatial Strategy in the SELLP, 2019. It is therefore a settlement where development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. In the context of this, the principle of residential in this location is considered acceptable.

Layout, Design, Size and Scale

The footprint and position of the bungalow within the site would be the same as that approved via the 2012 application. The proposed bungalow will be a maximum depth of approx. 7.96m and a maximum width of 10.06m. It would be approximately 3m from the adjoining boundary with no. 26, which is the closest property, and even further from the facing elevation. Such distance is considered acceptable. It would be approx. 1.3m from the boundary with the property to the rear, which is the shortest distance to a boundary. This is still sufficient to enable access between the property and the boundary. The height of the bungalow would be in keeping with surrounding development. Overall, the scale and positioning of the dwelling is considered to remain acceptable.

The bungalow would comprise of a large hallway and entrance accessed from the proposed front elevation, with an open plan kitchen and living area to the east of the property and 2 bedrooms to the west. There would be a family bathroom to the south of the property. A proposed patio door would come off from the kitchen area, with a proposed patio area partly built over the existing garage floor.

The garden appears to be a sufficient size in comparison to the size of the bungalow. There will also be a small garden area to the east of the proposed bungalow, with a minimum distance of 1.3m away from the boundary.

It is indicated that the bungalow would be constructed of stone facing bricks and concrete tiles to match other properties on The Willows. Exact details can be secured by condition is permission were to be forthcoming, as can details regarding boundary treatment and landscaping.

A reduction in height to the existing blank boundary fence to 1m along the front and partly to the side of the boundary would improve the character and appearance of the street scene.

Taking the above into account, the proposed bungalow is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and in accordance with Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impact upon Residential Amenity

The front elevation of the proposed bungalow sits approx. 20m from the front elevation of no.3 The Willows, which is not considered to have unacceptable impacts upon overlooking or loss of privacy. It is tantamount to a normal front to front relationship. Furthermore, there are no side facing windows proposed and the properties to the rear are at an angle from the proposed bungalow so there should be no issues of looking in these directions either.

The bungalow would be positioned on the same footprint as that previously approved and would be similar in height. There has been no material change that would justify the refusal this application on the grounds of residential amenity.

Taking the above into account, the proposed bungalow is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and in accordance with Section 12 in the NPPF, 2019 in terms of residential amenity.

Flood Risk and Drainage

The proposed means of foul water drainage would be via mains sewer and surface water drainage via soakaway. This is considered acceptable.

In terms of flood risk, the application site is situated in Flood Zone 1 according to the GOV Flood Map for Planning. Therefore, the proposed bungalow would appeared to be situated in a low flood risk area on the face of it.

However, the South East Lincolnshire Strategic Flooding Risk Assessment (March, 2017), which was published after the previous approval for a bungalow on the site, shows that the sites falls within a "Danger for All" hazard zone, with potential flood depths of 1-2m. In situations such as this, the Standing Advice Matrix requires that properties be a minimum of 2 storeys, and if the depth would be over 1.6m no ground floor habitable accommodation is permitted. A bungalow is clearly contrary to these requirements.

The proposal is therefore considered to be contrary to Policies 2, 3 and 4 of the Local Plan which require flood risk to be taken into account.

Highway Safety and Parking

The Highways Authority have not objected to the proposal and so it is considered acceptable in terms of highway safety. The proposal is therefore in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

With regard to parking provision, Appendix 6 of the Local Plan sets out minimum parking standards (vehicle and cycle) for new developments. This sets out a requirement for 2 vehicle parking spaces for dwellings with up to 3 bedrooms. The proposed development complies with the specified parking standards.

Conclusion

In light of the above considerations the proposal is not considered be in accordance with Policies 2, 3 and 4 in the South East Lincolnshire Local Plan, 2019 and Section 14 in the NPPF, 2019.

A delegated refusal is considered to be appropriate.

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.