

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H04-0037-23	Applicant:	Mr & Mrs P Hilton
Proposal:	Proposed replacement dwelling		
Location:	11 Badgate Road Donington Spalding		
Terminal Date:	17th March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
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	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is an application for a proposed replacement dwelling at 11 Badgate Road, Donington. The proposal seeks to replace a chalet bungalow with a single storey bungalow. The replacement dwelling will contain three bedrooms, an en-suite, bathroom, utility room and a combined kitchen, living and dining area. The materials of construction will be Terca Heritage Blend facing bricks with Sandtoft Calderdale grey roof tiles, and grey UPVC windows and doors. Foul water will be addressed by a mains sewer, with surface water addressed by a soakaway.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. The dwelling will be located in Environment Agency Flood Zone 1 and is not subject to increase hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY - All related to adjacent site at 11a Badgate Road

H04-0399-20

Full - Erection of 3 bed detached chalet bungalow with off road parking and access - Approved - 15 July 2020.

H04-0908-20

Condition Compliance - Details of external materials and design & position of external boxes etc (Conditions 3 & 4 of H04-0399-20) - Approved - 22 December 2020.

H04-0909-20

Section 73 Modification - Erection of 3 bed detached chalet bungalow with off road parking and access - approved under H04-0399-20. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 22 December 2020.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection - "As a 'one-for-one' replacement of the existing dwelling with a new dwelling, the proposed development would not be expected to result in any unacceptable impact upon highway safety or have a severe residual cumulative impact upon the capacity of the local highway network. The new arrangement will place the vehicle access in a different place along the frontage of the plot, but this proposed position is no less safe than the existing position. Off-street car parking and turning is proposed to be provided within the plot. In view of the above and 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) does not wish to object to this planning application."

The Officer also requests a new access informative.

SHDC Environmental Protection

No comment in respect of contaminated land.

Member of the public - 1 - Objections

Proposed site levels.

Proximity of development to boundary.

Detached garage impacts highway safety by reducing visibility.
Increased surface water flooding.
Disturbance during construction - This is not a matter of material planning weight.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Main Service Centres

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

This replacement dwelling will help to support the role of Donington as a service centre and sustain existing facilities by providing a modern residential dwelling within defined settlement limits.

This application 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 relevant criteria the following can be observed:

1. The size, scale and layout is considered to more in keeping with the adjacent buildings than the existing chalet bungalow on site. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance of the area, nor on a sense of place.
2. The design is in keeping with nearby properties and is of a standard frontage orientation.
3. The materials of construction will be Terca Heritage Blend facing bricks with Sandtoft Calderdale grey roof tiles, and grey UPVC windows and doors. These materials are considered to be appropriate for the site.
4. As the proposal is for a replacement dwelling there is not considered to be an increase in traffic. The County Highways & SUDS Officer has no access concerns, nor any concerns with regard to the siting of the detached garage forward of the principal elevation. The site can accommodate in excess of two off road parking spaces, which is the minimum requested under Appendix 6 of the SELLP for dwellings with three bedrooms or fewer.
5. There is not considered to be a material impact on existing community services and infrastructure as a result of the proposal.
6. There is not considered to be a noise, odour or disturbance impact from the proposed replacement dwelling. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The replacement dwelling has a similar size footprint to the existing dwelling at 11 Badgate Road, albeit, set approximately 2 metres further forward. The proposed detached frontage garage is not of a scale, siting and design to be considered overdevelopment or imposing upon the highway.

Overlooking - The proposal is bordered by a 2 metre close boarded fence to the east, south and

west of the dwelling. Therefore there is not considered to be an overlooking aspect from this single storey bungalow.

Overshadowing - The ridge height of the dwelling is 5.42 metres above ground level. When an additional requested 300mm finished floor level is added to the dwelling to prevent surface water ingress this gives a total ridge height of 5.72 metres. When right to light lines are drawn the fenestration of neighbouring properties is not materially impacted. The height of the replacement dwelling is lower than that of the existing chalet bungalow.

7. The dwelling will be located in Environment Agency Flood Zone 1 and is not subject to increase hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. To prevent surface water ingress a finished floor level of 300mm above ground level will be requested to ensure that the dwelling is safe over the course of its lifetime.

This application is considered to 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 considered to more in keeping with the adjacent buildings than the existing chalet bungalow on site. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance of the area, nor on a sense of place.

4. The site is within defined settlement limits and can be easily accessed by public transport and pedestrian links.

5. There is ample space on site for the storage of bins and bicycles. As the proposal is for a replacement dwelling there is not considered to be an increase in traffic. The County Highways & SUDS Officer has no access concerns, nor any concerns with regard to the siting of the detached garage forward of the principal elevation. The site can accommodate in excess of two off road parking spaces, which is the minimum requested under Appendix 6 of the SELLP for dwellings with three bedrooms or fewer.

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

Overdevelopment - The proposal is not considered to represent overdevelopment. The replacement dwelling has a similar size footprint to the existing dwelling at 11 Badgate Road, albeit, set approximately 2 metres further forward. The proposed detached frontage garage is not of a scale, siting and design to be considered overdevelopment or imposing upon the highway.

Overlooking - The proposal is bordered by a 2 metre close boarded fence to the east, south and west of the dwelling. Therefore there is not considered to be an overlooking aspect from this single storey bungalow.

Overshadowing - The ridge height of the dwelling is 5.42 metres above ground level. When an additional requested 300mm finished floor level is added to the dwelling to prevent surface water ingress this gives a total ridge height of 5.72 metres. When right to light lines are drawn the fenestration of neighbouring properties is not materially impacted. The height of the replacement dwelling is lower than that of the existing chalet bungalow.

12. The dwelling will be located in Environment Agency Flood Zone 1 and is not subject to increase hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. To prevent surface water ingress a finished floor level of 300mm above ground level will be requested to ensure that the dwelling is safe over the course of its lifetime.

This application is considered to accord with SELLP Policy 3.

Other planning concerns

It is not the role of the planning department to amend development to aid the building process. Should the application be approved, how it will be constructed is left to the expertise of the Building

Control department and the on-site builders. Should the development be unable to be constructed safely then the Building Control department would intervene, or a planning amendment would be sought. I am aware that there is not a requirement to raise finished floor levels, however, as previously explained this is a nationwide condition that is added to the majority of new development to prevent surface water ingress. With regard to surface water drainage, the applicant has proposed a soakaway on site. Should the application be approved, percolation tests would be required to determine the efficacy of the soakaway system proposed. If the soakaway proposed is deemed inadequate then the condition compliance application would not be approved until an appropriate drainage system is provided.

PLANNING BALANCE

It is considered that the proposed replacement dwelling will be a welcome addition to the streetscene. The dwelling will replace a dated, dilapidated chalet bungalow, with a modern single storey bungalow that is in keeping with the built character of the surrounding area and reduces amenity impact on neighbouring properties. This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, as well as Sections 5, 12 and 14 of the National Planning Policy Framework.

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.