DECISION DELEGATED TO HEAD OF PLANNING

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|---|---|---|---|
| **Application No:** | **H04-0384-23** | **Applicant:** | **Dorset Homes Ltd** |
| **Proposal:** | Proposed Bungalow | | |
| **Location:** | Adj 33 Church Street Donington Spalding | | |
| **Terminal Date:** | 15th June 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 |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS | 1 | 0 | 0 | 0 |

| | | | | |
|---|---|---|---|---|
| SUPPORT | | | | |
| IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| BLACK SLUICE INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| RESIDENTS | 1 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

This is a full planning application seeking permission for the erection of a detached bungalow located on land adjacent No.33 Church Street, Donington.

### Site Description

The application site lies on the eastern side of Church Street and is currently serving as a driveway for No.33 Church Street. The site is within a highly sensitive portion of the conservation area, being a street frontage proposal along one of the primary routes of entry and egress into and out of the town centre, and within very close visual range of a number of listed buildings, including the Grade I listed church of St Mary and the Holy Rood.

### History

No relevant planning history.

### Consultation Responses

SHDC Conservation Officer

I wish to object to this application as currently proposed. This proposal is within a highly sensitive portion of the conservation area, being a street frontage proposal along one of the primary routes of entry and egress into and out of the town centre, and within very close visual range of a number of listed buildings, including the Grade I listed church of St Mary and the Holy Rood.

Policy 29 of the SELLP states the following, regarding development in the conservation area:

*"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should: (Ã???¢?¦)*

*4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;*

*5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape; (Ã???¢?¦)"*

I would suggest that the proposal as put forth at this time fails to meet these requirements of Policy 29 of the SELLP in several aspects.

Most fundamentally, the design of the property itself as proposed is thoroughly modern and featureless, particularly from the Western (streetside) aspect, and makes no attempt at sympathy with the theme of the immediate setting, apart from with the inclusion of some quoins. Save for this singular addition of interest, the remainder of the proposal appears completely bare and box-like in appearance. This does nothing to reinforce locally distinctive forms as is a requirement set out above. In the proposed format, it is quite unlike anything in its immediate setting. It is recognised that the property to the North is a similarly scaled bungalow, however, it's street-facing elevation is both far wider, with a much wider and less tight plot, and contains much more in terms of visual interest. Furthermore, whilst UPVC windows have been achieved via PD rights, the remainder of the materials of construction appear to be far more appropriate to the conservation area setting than are proposed by this application. Finally, the existence of inappropriate additions to the conservation area setting, particularly those which were added prior to either the adoption of the Conservation Area in this exact location or the adoption of the Local Plan in 2019, does not represent a precedent to follow nor an excuse to add yet further inappropriate additions and/alterations to this conservation area.

Furthermore, the proposed materials are totally inappropriate to the sensitive setting. Proposals must 'retain and reinforce local distinctiveness' with reference to materials. The use of artificial materials throughout - UPVC windows, doors, guttering and fascias as well as concrete roof tiles fails to meet this crucial requirement.

Should the applicant be open to amendments, I would expect that at a minimum, much more effort should be made to add visual interest, particularly to the Western elevation, and that natural materials would be made use of throughout.

Black Sluice Internal Drainage Board

The Board has received the above planning application and has the following comments:

Rainfall Runoff

It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval.

Due to the proximity of adjacent buildings, any soakaways should be designed and located so as not to affect any adjacent land or property.

Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board.

Site Ground Levels

The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

Historic Environment Officer

The proposed development is located close to Donington's medieval parish church on the historic main road from Boston, so it is quite possible that this site was developed in the medieval or earlier Saxon period, evidence of which may survive here. The early development of Donington is not fully understood, but as shown by settlements such as nearby Quadring, it is common for there to be a movement away from an early centre around the church because of the pull of other factors, in this case potentially the focus trade around the Market Place at the junction of routes between Boston, Spalding and Grantham.

Recent archaeological work on the site of the new Co-op further along Church Street has revealed

evidence for medieval settlement from the 10th to 15th century in plots arranged along the east side of the street. There is potential for similar remains to survive on this site as well, which could be impacted by development.

Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03.

"They should .... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible" National Planning Policy Framework Section 16, para 205.

Initially I envisage that this would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features.

Environmental Protection Officer SHDC

No comments

LCC Highway and Lead Local Flood Authority

Recommendation for refusal.

Visibility to the right (the traffic approach side) for drivers entering Church Street at the access point indicated on the submitted drawings is significantly below the prescribed standards for the classification and nature of this highway. Drivers do not therefore have sufficient sight of any vehicle that may be approaching from their right (from the direction of the A52) to be able to judge if it would be safe to complete this manoeuvre. Furthermore, no facility is to be provided within the Application Site for vehicles to be able to turn around, so as to be able to leave and enter the highway in a forward gear. Drivers parking in the indicated parking space would therefore have to either reverse into that space or reverse out of it into the highway and would thus be at risk of conflict with other road users. It is therefore considered that the development proposed in this Application would have an unacceptable impact upon highway safety.

It is acknowledged that the two car parking spaces indicated on the submitted drawing are being used by residents of the host dwelling (33 Church Street). However that use does not necessarily render this a safe practice. These existing parking spaces do not enjoy the benefit of dropped kerbs at the carriageway edge and it must therefore be concluded that they have been created without any formal consent from the highway authority.

The highway authority's concerns about the safety of the proposed development are based solely upon the unacceptable impact that vehicles leaving and entering the highway at the proposed parking spaces, either in a forward or reverse gear, would have upon highway safety. The carriageway on this part of Church Street is wide enough for a degree of on-street car parking to be possible without unacceptably impeding the passage of other vehicles and without having an unacceptable impact upon highway safety. A revised Application, with the indicated car parking removed would be more acceptable in highway terms.

Public Representation

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, 02 comments/representations have been received from residents.

-My kitchen would be much darker
-A bad selling point
-Lose privacy in my garden and bedroom
-I would need to keep access to the rear of my property

**Planning Considerations**

Principle

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 site is located within the settlement boundary for Donington, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, such as Doningotn, 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, Scale and Appearance

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 relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), which was adopted in March 2019. The Council has a housing land supply exceeding five years (5.9 years on 31 March 2022).

The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

The NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less
than substantial harm to its significance". This goes on to state within Para 202 that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

Policy 29 of the South East Lincolnshire Local Plans, conforming with the above, states that "Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced". In respect of Conservation Areas, the policy outlines that "Proposals within, affecting the setting of, or affecting views into or out of, a
Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting"; with criteria outlined that proposals should comply with to ensure the development's acceptability.

This proposal is within a highly sensitive portion of the conservation area, being a street frontage proposal along one of the primary routes of entry and egress into and out of the town centre, and within very close visual range of a number of listed buildings, including the Grade I listed church of St Mary and the Holy Rood.

The design of the property itself as proposed is thoroughly modern and featureless, particularly from the Western (streetside) aspect, and makes no attempt at sympathy with the theme of the immediate setting, apart from with the inclusion of some quoins. Save for this singular addition of interest, the remainder of the proposal appears completely bare and box-like in appearance. This does nothing to reinforce locally distinctive forms as is a requirement set out above. In the proposed

format, it is quite unlike anything in its immediate setting. It is recognised that the property to the North is a similarly scaled bungalow, however, it's street-facing elevation is both far wider, with a much wider and less tight plot, and contains much more in terms of visual interest. Furthermore, whilst UPVC windows have been achieved via PD rights, the remainder of the materials of construction appear to be far more appropriate to the conservation area setting than are proposed by this application. Finally, the existence of inappropriate additions to the conservation area setting, particularly those which were added prior to either the adoption of the Conservation Area in this exact location or the adoption of the Local Plan in 2019, does not represent a precedent to follow nor an excuse to add yet further inappropriate additions and/alterations to this conservation area.

Furthermore, the proposed materials are totally inappropriate to the sensitive setting. Proposals must 'retain and reinforce local distinctiveness' with reference to materials. The use of artificial materials throughout - UPVC windows, doors, guttering and fascias as well as concrete roof tiles fails to meet this crucial requirement.

Taking the above into account, the proposed dwelling is not considered to comply with Policies 2, 3 and 29 in the SELLP, 2019 and Section 12 and 16 in the NPPF, 2021 in terms of layout, design, size and scale. The proposal is considered to be inappropriate to this location and would negatively impact upon the existing character of the area.

Highway Matters and Parking

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided within the curtilage for dwellings with up to 3 bedrooms.

The Local Highway Authority have commented that visibility to the right (the traffic approach side) for drivers entering Church Street at the access point indicated on the submitted drawings is significantly below the prescribed standards for the classification and nature of this highway. Drivers do not therefore have sufficient sight of any vehicle that may be approaching from their right (from the direction of the A52) to be able to judge if it would be safe to complete this manoeuvre.

Furthermore, no facility is to be provided within the Application Site for vehicles to be able to turn around, so as to be able to leave and enter the highway in a forward gear. Drivers parking in the indicated parking space would therefore have to either reverse into that space or reverse out of it into the highway and would thus be at risk of conflict with other road users. It is therefore considered that the development proposed in this Application would have an unacceptable impact upon highway safety.

It is acknowledged that the two car parking spaces indicated on the submitted drawing are being used by residents of the host dwelling (33 Church Street). However that use does not necessarily render this a safe practice. These existing parking spaces do not enjoy the benefit of dropped kerbs at the carriageway edge and it must therefore be concluded that they have been created without any formal consent from the highway authority.

The highway authority's concerns about the safety of the proposed development are based solely upon the unacceptable impact that vehicles leaving and entering the highway at the proposed parking spaces, either in a forward or reverse gear, would have upon highway safety. The carriageway on this part of Church Street is wide enough for a degree of on-street car parking to be possible without unacceptably impeding the passage of other vehicles and without having an unacceptable impact upon highway safety. A revised Application, with the indicated car parking removed would be more acceptable in highway terms.

Therefore, it is considered that the proposed dwelling would be contrary to Policy 2 in the SELLP, 2019 in terms of highway safety.

Flood Risk

The application site is within Flood Zone 1, with no risk to people as identified by the South East Lincolnshire Strategic Flood Risk Assessment (2017). Given that the application is in located within Flood Zone 1 with a low probability of flooding a site specific flood risk assessment and sequential test are not required.

Policy 4 of the SELLP relates to flood risk management and states that new development will be

permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

Objections have been received with concerns regarding loss of light and loss of privacy. The concerns are noted, however, given the single storey nature of the proposed dwelling it is not considered to result in overbearing impact.

The proposed north elevation has one bathroom window that face the side elevation of the neighbouring dwelling. However, this will be obscure glazed, therefore the proposed development will not have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

The proposed east elevation would have a bifold door facing the neighbouring property to the rear, however this would be located 5.5m away from the boundary, and given the single storey nature of the proposed dwelling it is not considered to result in overbearing impact.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Planning Balance

Paragraph 130 of NPPF establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that 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.

The principle of residential development on the application site is acceptable when assessed against Policy 1 of the Local Plan. However, it is considered that the design of the property itself as proposed is thoroughly modern and featureless, particularly from the Western (streetside) aspect, and makes no attempt at sympathy with the theme of the immediate setting and would cause a detriment of character of the area. Furthermore, the proposal would have an unacceptable impact on highways safety.

The proposal is also considered to cause harm to the Conservation Area in which the application resides within and cause harm to the significance of the nearby listed buildings including Grade I listed church of St Mary and the Holy Rood, with the proposed development failing to better reveal or preserve the significance of these assets.

The harm caused to the heritage assets, as outlined above, is considered to be less than substantial. The NPPF details that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". This goes on to state within Para 202 that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

In this instance, the harm caused is considered to be less than substantial. However, the creation of a single residential dwelling, given that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), is not considered to justify the less than substantial harm caused or provide an outweighing public benefit arising from the scheme.

Overall, given the impacts caused to the character and appearance of the area, in addition to the less that substantial harm caused to heritage assets as identified, providing both material and policy conflicts, the benefits of the proposal are not considered to outweigh the impacts/harm caused.

In light of the above considerations, the proposal is considered to be contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (SELLP), 2019, Sections 12 and 16 of the National Planning Policy Framework (NPPF), 2021 and and Sections 66 and 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

## 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.