

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0582-23 **Applicant:** Mrs R Welsh
Proposal: Erection of detached bungalow and garage - resubmission of H04-0632-20
Location: 4 Goxhill Avenue Donington Spalding
Terminal Date: 18th August 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
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 5 - Providing a mix of housing
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
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 SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

This outline planning application is for a single dwelling within the current garden/curtilage of the extant 4 Goxhill Avenue, Donington. The indicative drawings suggest that this property would be a modest bungalow with a detached single garage on the northern side of the proposed plot. It is proposed that the existing 1.8m fence will be retained to feather the border between the proposed plot and the existing property to the south.

Site Description

The proposal site is within the Donington Conservation Area, however, Goxhill Avenue is a private roadway and therefore, this site is very difficult to view from the public realm, even taking into consideration the site's adjacency to the Flinders Park. The area in general is characterised by largely late 20th century and later development, however, there is some small amount of 19th Century cottages within visual range. Furthermore, the access archway to Goxhill Avenue is directly opposite to the locally important and Grade II* listed Red Cow Inn. However, given the distance of this proposal plot from the entranceway, it cannot be considered that this proposal site is in the setting of that structure.

History

H04-0499-17

Erection of detached bungalow and garage. Approved on 05-01-18

H04-0913-18

Reserved matters relating to the erection of detached bungalow - Outline application H04-0499-17. Non-determination.

H04-0632-20

Erection of detached bungalow and garage - outline. Approved on 09-10-20

H04-0925-21

Erection of bungalow & garage - Reserved Matters relating to outline approval H04-0632-20. Approved on 26-10-21

Consultation Responses

Black Sluice Internal Drainage Board

As per the previous application for the site, 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. Care should be taken with the design and location of any soakaway structure(s) to ensure that there is no adverse effect on 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.

Lincolnshire County Council as Lead Local Flood and Planning Authority

Does not wish to restrict the granting of planning permission.

SHDC Trees and Nature Conservation Officer

Small mature/semi-mature Acer adjacent to eastern boundary recently removed, evidence of stump. When building takes place some soil movement may take place in this area as the roots decay.

Two small cherry trees adjacent to the southern boundary are shown on Block Plan to be retained. Suggest that a Condition is worded to ensure that they are indeed retained as indicated so on the plan. Currently they have limited amenity value, but as it is stated that they are to be kept, this will certainly help the new development blend into its surroundings; readymade landscaping. It will be up to the Developer to ensure that the correct foundations are installed so that they will never cause damage as they grow.

The retained cherry trees will require the usual Conditions to ensure that they are protected to British Standard 5837:2012 from the onset of development to its completion. This may be challenging on a tight site, but should have been factored in when a decision was made to retain them.

(The close proximity of one of the retained trees' to a building on the neighbouring property is noted; should there ever be any real problems caused by this; an assessment can be made at that stage and possible compensatory planting considered.)

Planning Considerations

Principle of development

The proposal site is within the defined settlement boundary of Donnington and is under the lowest flood risk category. Therefore, as residential development within the defined settlement boundary is encouraged, it must be considered that the principle of development in this case is acceptable.

Residential Amenity

Whilst this application is only at the outline stage, the indicative drawings suggest that it is intended that the final property will be a small bungalow. Because the property would be single storey in nature and the existing boundary fence would be retained, it is considered that such a proposal would not present any risk of either overlooking or overshadowing to any neighbouring properties or to the proposal itself. During the course of the application this proposal is a resubmission of, local residents raised concerns that the if the structure were to be located in the exact location as indicated in the indicative drawing there could be a risk of overshadowing created. However, the drawings are currently purely indicative in nature and may not be fully representative of the proposal as brought forward under any subsequent reserved matters application. In any case, as the indicative drawings do suggest that the proposal would be set significantly back from any neighbouring property and also, as mentioned above, due to the single storey nature of the proposal, it is likely that the reserved matters proposal would not present a significant risk of overshadowing, although, of course, overlooking and overshadowing will remain key considerations during the reserved matters stage.

Furthermore, the proposal includes provision of ample amenity space for residents of the proposed property.

Heritage Impact

The proposal site is partially within the Donington Conservation Area, however, due to its secluded location, the Local Planning Authority does not consider there to be any risk presented to the value, significance or character of any designated or non-designated heritage assets. This is because Goxhill Avenue is a private road with extremely limited visibility from the public realm, save for some obscure views from Flinders Park. Furthermore, Goxhill Avenue already plays host to a large range of more modern (mid C20th onwards) residential development, which a proposal such as this (depending upon final design) would remain largely in keeping with. Whilst the entranceway to Goxhill Avenue is within close proximity to the Locally important and listed Red Cow Inn, the

proposal plot cannot be considered to be a part of that setting as it is not at all possible to view this plot from that location.

The final design at the reserved matters stage will need to take into account the requirements of a Conservation Area proposal, but due to the above it is determined that such a proposal would have no impact upon the value or significance of the Donington Conservation Area or any nearby heritage assets and therefore, this application must be considered to help to conserve the historic environment in line with Section 16 of the National Planning Policy Framework (2019)

Tree Conservation

The plot does include one protected tree. The trees and nature conservation officer has been consulted and has raised no concerns about the proposal in relation to the preservation of that tree, other than to request that conditions be applied to any approval to ensure its protection.

Traffic Management

Goxhill Avenue is a small single-track, private roadway and it does seem plausible that significant development could lead to potential issues with traffic build-up. However, the proposal as indicated will be a fairly small single development and should not have a major impact upon the flow of residential traffic along Goxhill Ave. Additionally, the Lincolnshire County Council Highways Department has been consulted on this application and has raised no concerns with regards to road safety or traffic management at this site.

Parking Provision

The indicative drawings suggest that the proposal will feature a substantial driveway and a freestanding single garage, these proposals suggest that the property would feature more than a sufficient amount of parking as per the standard set by appendix 6 of the South East Lincolnshire Local Plan (2019)

Conclusion

For the reasons above, it is determined that this application is in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the National Planning Policy Framework (2019) as well as sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, it 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.