

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0608-23 **Applicant:** Mr & Mrs G Wilson
Proposal: Proposed Replacement Bungalow (to include demolition of existing)
Location: 12 Mill Lane Donington Spalding
Terminal Date: 21st September 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
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2 - Achieving sustainable development
Section 9 - Promoting sustainable transport
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

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
OTHER STATUTORY	0	0	1	0

BODIES				
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for a replacement bungalow at 12 Mill Lane Donnington. The proposal would represent an approximate 20% increase in floor space, although the maximum width, depth and height of the bungalow would not significantly alter. The proposed bungalow would occupy a similar footprint to the existing dwelling but would be moved approximately 2.5 metres closer to the highway. An additional bedroom would be created.

The dwelling would be constructed of materials similar to those already present on site. A red-brown brick would be used to match the existing dwelling, while lighter grey tiles would be used for the roof. The only significant change in materials would be the switch from white UPVC to grey UPVC.

A 1.8-metre-high boundary fence is proposed to the rear of the dwelling, with a 0.9 metre high fence to the front.

Site Description

The site is within the settlement boundaries of Donnington, as outlined within the South-East Lincolnshire Local Plan, 2019. The site lies towards the east of the town, in a predominantly residential area. Despite this overriding residential character, there is a large industrial site opposite the plot. The site is approximately 15 metres east of the Donnington Conservation Area.

Mill Lane is characterised by properties of varying age and design. That being said, the existing dwelling is fairly typical of the area. The dwelling is a relatively small, 1950s bungalow.

Relevant History

No relevant site history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"No objection: The proposed replacement bungalow would utilise the two existing vehicle access points that serve the existing bungalow on the Application Site. The proposed layout includes a looped driveway, which would allow vehicles to leave and enter the highway in a forward gear - as they are able to do at present. The accesses have suitable visibility in both directions and Mill Lane has a footway on both sides of the carriageway to provide safe access for those on foot. 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) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application."

Environmental Protection

No comments

Historic Places Team Lincolnshire County Council

"No archaeological input required"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of objection has been received.

This can be summarised as:

- Potential overbearing impact
- Potential loss of light

Key Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Donnington which is classed as a Main Service Centre within Policy 1. As such development will be permitted that supports Donnington's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. T

As the site is within Donnington, development within this location is considered appropriate. The proposal would support the settlement's role as a Main Service Centre. As the proposal is a replacement dwelling, there would be no increase in the density of development in the area.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays

a key role towards sustainable development.

Paragraph 130, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The increase in the scale of development is relatively small. The dwelling would occupy a comparable footprint to its predecessor, albeit with a small extension to the southern side of the principal elevation. The plot is large enough to take the proposed increase in scale comfortably. The proposal to move the dwelling 2.5 metres closer to the road would not make it appear more prominent within the street scene.

A height increase of approximately 0.5m is proposed. The majority of this additional height is due to the proposed raising of finished floor levels. It is considered that this height increase would not make the proposal appear incongruous. There is already a variety of dwelling heights in the area which would naturalise the change.

The proposed dwelling would use similar materials to those already present on the site. The materials are similar enough as to ensure the dwelling still appears in keeping with the character of the area. The proposed grey UPVC is a variation to the materials present currently but would not appear out of character within the locale.

The design of the proposed replacement bungalow is extremely similar to the existing dwelling. The proposal would remove the existing flat roof on the southern elevation, instead incorporating a larger hipped roof. It is considered that removing the flat roof, which is uncommon in the area, would bring the design of the dwelling more in line with the prevailing character of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF states that development should 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed increase in height is minor and would not cause a significant increase in overshadowing. Ample separation distance to the northern neighbour will be maintained, preventing

an increase in overshadowing. There are significant boundary treatments present to the north-east, which would further prevent the dwelling increasing overshadowing there.

The proposed bungalow would be moved closer to the southern neighbour. There were initial concerns over the relationship between the proposed dwelling and the existing window on this southern neighbour. However, following further assessment it was determined that there is not a significant potential for overshadowing here. The windows effected in this southern neighbour are not habitable rooms (being a garage and a utility room), and therefore, the impact of the potential loss of light would be low. A second site visit was conducted to better ascertain this relationship. Following this visit it was considered that the loss of light would not be significant enough as to warrant a refusal.

The proposed bungalow would not have an overbearing effect, despite being moved forward. While the proposed bungalow would now be more visible from the side windows of both neighbouring properties, it is considered that the development would not increase the sense of enclosure. While there is no right to a view within planning, it is still considered to be an aspect of amenity. In this instance, while views would be reduced, the occupants of both adjacent dwellings would still have relatively clear views.

An objection has been received regarding the proposed bungalow having a potentially overbearing effect. For the reasons stated above, it is considered that the potential amenity impacts do not warrant a refusal.

The proposal would not raise any overlooking concerns. Only one new, unobscured window is proposed in an elevation facing a neighbour. Views from this window would be obscured by the boundary treatments; and therefore, the proposal does not represent overlooking concerns.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 111 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

No alteration to the existing access is proposed. As such, there would be no significant change impact upon highway safety. While the proposal would see the creation of a new bedroom, this would not result in a significant increase in the number of vehicles accessing the site.

Within Policy 36 and Appendix 6 of the SELLP, two parking spaces are required for a dwelling of three bedrooms. The provides a single car garage as well as sufficient onsite parking for at least one more vehicle. The proposal therefore conforms to Policy 36 of the SELLP.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

The site lies predominantly within Flood Zone 1 of the Environment Agency's Flood Maps, although a minute fraction of the western curtilage is within Flood Zone 2. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "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" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is not classed as a flood risk area; as such, the site is not expected to flood. Despite this, it is proposed that finished floor levels are raised by 300mm to fully ensure the dwelling is safe for its lifetime. While this is not strictly necessary, it is considered to be good practice and as such is acceptable.

It is not considered that the proposal would increase the potential for flooding in the area. Furthermore, it not anticipated that the works would lead to an increase in surface water run-off.

Overall, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 174 and 179 ensure sites of biodiversity value are protected through the planning system; while Paragraph 180 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

The proposal would see the loss of two trees. While this is regrettable, the habitat can be replaced and enhanced through a planting scheme. It is not considered that the loss is not substantial enough as to conflict with Policy 28.

The proposal incorporates solar panels, which would directly achieve the aims of Policy 31.

The property would be within the settlement boundaries, and therefore, the occupants would have access to a range of services and facilities via active transport methods. Furthermore, the site has good accessible to public transport, thereby achieving the goals of Policy 33.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28, 31 and 33 of the

SELLP and Sections 14 and 15 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

While an objection has been received, it is considered that a high level of amenity will be maintained for both adjacent residents.

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 31, 33 and 36 of the SELLP, as well as Sections 2, 9, 12, 14, and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Conclusion

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.