DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-0905-20**	**Applicant:**	**Mr G Barron**
Proposal:	Demolition of former British Legion Club building and erection of 6 detached bungalows, garages and access road - re-submission of H04-0420-20		
Location:	3 Malting Lane Donington Spalding		
Terminal Date:	14th December 2020		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

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	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for the demolition of the former British Legion Club building and erection of 6 detached bungalows, garages and access road - re-submission of H04-0420-20 on Malting Lane, Donington. The proposal seeks to provide 6 identical bungalows that are accessed via a private road. The bungalows will contain three bedrooms, two en-suites, a bathroom, utility, kitchen and a lounge. Proposed bricks are Plots 1, 3, & 5 - Burwell Kimbolton Reds 'Forterra' Plots 2, 4 & 6 - Burwell Buffs 'Forterra'. Proposed tiles are Plots 1, 3, & 5 - Redland Grovebury Breckland brown double pantiles Plots 2, 4 & 6 - Redland Grovebury Terracotta double pantiles. Windows and doors are to be UPVC anthracite grey, with black UPVC rainwater goods. Proposed boundary treatment is 1.8 high close boarded timber fencing.

SITE DESCRIPTION

The proposal is within the defined settlement limits of Donington so the principle of development on this site is accepted, provided all other relevant policy issues are considered acceptable. The land is currently in an F2 use class and contains the Royal British Legion building and a bowling green, both of which are not in use. There are dwellings to the north, south, west and east of proposal, with industrial premises located to the west on Millfield Road. The site is bordered by 1.8 metre high timber fencing, with an established row of trees to the rear (west) at the boundary with industrial buildings on Millfield Road.

The rear of the site is within Flood Zone 3 of the Environment Agency flood maps, and is not subject to increased flood depth or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H04-0420-20

Full - Demolition of former British Legion Club building and erection of 8 semidetached dwellings and 1 detached dwelling with access road - Application Withdrawn.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections. The access is private road so maintenance will be the responsibility of the occupants of the site. The Officer requests private road, access and utility informatives.

SHDC - Environmental Protection Officer

Requests standard land contamination condition.

SHDC - Environmental Health Technician

No objection.

Councillor King

Overdevelopment. Bin store too close to neighbouring property.

Sport England

This application does not fall within our remit to comment. Please assess this application against Paragraph 97 of the National Planning Policy Framework (NPPF).

Members of the public - 2

Highway safety
Parents of the children at the nursery opposite will use the private road to park
Overdevelopment
Line of frontage
Drainage
Waste storage and collection
Boundary treatment

PLANNING CONSIDERATIONS

South East Lincolnshire Local Plan (SELLP) Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. Donington is classified as a "Main Service Centre". This relevant section of this policy states:

"Within the settlement boundaries of the Main Service Centres development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

The proposal is considered to support existing facilities within the service centre and is therefore in accordance with SELLP Policy 1.

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 above criteria the following can be observed:

1. The size, scale, layout and density is considered to have been significantly improved from that of the previously withdrawn application H04-0420-20. The existing cedar tree to the front of the site is to remain and shrubs to the rear boundary are to remain. Whilst the line of frontage is predominately set back from Malting Lane, there is not considered to be a material impact on the character and appearance of the area, nor surrounding residential amenity.

2. The single storey design is considered to be appropriate for the site and the front bungalow is orientated to face the highway which is the common orientation of dwellings in the vicinity.

3. The proposed materials do not maximise sustainability, however, they are broadly in keeping with the built character of the surrounding area.

4. The proposal meets the requested minimum parking amount of two spaces for a three bedroom dwelling under Appendix 6 of the SELLP. The County Highways Officer has no objections to the access point from the proposed private road that serves the development.

5. The capacity of existing community services and infrastructure will not be materially impacted by the scale of this development.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion, as the site is single storey there is not considered to be an overlooking or overshadowing impact.

7. The rear of the site is within Flood Zone 3 of the Environment Agency flood maps, and is not subject to increased flood depth or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping. Supporting information from the agent states "The rainwater will discharge to soakaways, all in accordance with BRE Digest 365 or other approved code, and written evidence of the suitability of soakaways will be submitted to the Planning Authority for approval. The soakaways will be positioned so as not to cause any diverse effect on the neighbouring land. The driveway access will be in permeable block paving." There are no known issues with utilising soakaways in this part of the district.

8. Natural habitats, historical buildings and heritage assets are not impacted by this proposal.

9. Sand and gravel mineral resources are not impacted by this proposal.

The proposal is considered to accord with Policy 2 of the SELLP.

SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new

landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling; 15. the appropriate use or reuse of historic buildings.

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

1. The proposal does not respect historic street patterns, however, this matter does not carry enough planning weight alone to merit a recommendation for refusal. By virtue of the shape of the plot and the orientation of the buildings, the site footprint does not correspond with neighbouring plots, however, this application addresses the previous concerns regarding neighbour amenity impact and represents the opportunity to materially improve the visual character of the surrounding area by removing a unused building and an overgrown site.

2. The proposal distinguishes between private and public space by virtue of the boundary treatment and the creation of a private road.

3. The landscape character of the location is considered to be materially improved by the removal of the unused building and overgrown site.

4. The proposal site can be accessed on foot and is close to bus stops for public transport provision.

5. Provision for the storage of recycling bins is to the front of the site on collection days with storage at individual properties for the rest of the week. The proposal meets the requested minimum parking amount of two spaces for a three bedroom dwelling under Appendix 6 of the SELLP. The layout of car parking is considered acceptable. Each plot has enough space to allow for the manoeuvrability of vehicles.

6. The lighting of public spaces is not impacted by the proposal.

7. The proposal does not impact the accessibility of public spaces.

8. Crime prevention and community safety is not impacted by the proposal.

9. The orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development has not been achieved. However, the design has been arrived at to maximise the use of the site and address residential concerns expressed during the previously withdrawn application for two-storey dwellings on the site.

10. Facades, signage and advertisements are not relevant to this application on site.

11. Residential amenity is not considered to be materially impacted by this proposal. Overlooking and overshadowing will not affect neighbours due to the single storey nature of the dwellings. The proposed bin store if used appropriately should not impact the character or amenity of the area. It is set back from the highway access so does not affect visibility.

12. The rear of the site is within Flood Zone 3 of the Environment Agency flood maps, and is not subject to increased flood depth or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping. Supporting information from the agent states "The rainwater will discharge to soakaways, all in accordance with BRE Digest 365 or other approved code, and written evidence of the suitability of soakaways will be submitted to the Planning Authority for approval. The soakaways will be positioned so as not to cause any diverse effect on the neighbouring land. The driveway access will be in permeable block paving." There are no known issues with utilising soakaways in this part of the district.

13. Locally sourced building materials are not utilised, however, there is not considered to be a defined built character to the surrounding area, and therefore the proposed materials are not considered to be detrimental to the proposal. Water take and soil quality is not considered to be materially impacted by the proposal. The Environmental Protection Officer has requested a land contamination condition so any impact from soil quality will be fully assessed.

14. Hedgerows and green landscaping are not considered to be materially impacted by the proposal. A substantial amount of tarmac and building is to be removed from the front of the site, therefore, the level of green landscaping and permeability is not considered to be impacted by the development.

15. Historic buildings are not considered to be impacted by this proposal.

When assessed against the above criteria, the proposal is considered to accord with SELLP Policy 3.

Bowling green and building last used on 31 December 2017

Paragraph 97 of the NPPF states:
"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
c)the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

The supporting statement states "The existing bowling green has been overgrown for many years and was never a public amenity; it was for the use of British Legion members only. I am also informed that due to lack of interest, the other Donington public bowling green is shortly to be no more."

The bowling green has been expunged from the land, which is now overgrown to the rear of British Legion Club building.

Highway safety

The proposal meets the requested minimum parking amount of two spaces for a three bedroom dwelling under Appendix 6 of the SELLP. The layout of car parking is considered acceptable. Each plot has enough space to allow for the manoeuvrability of vehicles. The County Highways Officer has no objections to the proposal. The proposed bin store if used appropriately should not impact the character or amenity of the area. It is set back from the highway access so does not affect visibility.

Parents of the children at the nursery opposite will use the private road to park

The parking behaviour of the parents of the children at Little Pickles Nursery is beyond the remit of the Local Planning Authority. Should the applicant wish to pre-empt potential off site users utilising the private road then they may wish to erect a sign stating the road is solely for the use of property owners. This matter does not carry material planning weight.

Overdevelopment

The proposal is not considered to represent overdevelopment. Whilst other properties on Malting Lane have larger plots, each bungalow provides a good level of amenity for the occupant, with similar sized plots in the vicinity on Station Street to the north and Chestnut Avenue to the east.

Line of frontage

The front bungalow is closer to the highway than existing properties in the vicinity, however, there is not considered to be a material impact on the character and amenity of the surrounding area to the extent that would justify a recommendation for refusal.

Drainage

Supporting information from the agent states "The rainwater will discharge to soakaways, all in accordance with BRE Digest 365 or other approved code, and written evidence of the suitability of soakaways will be submitted to the Planning Authority for approval. The soakaways will be positioned so as not to cause any diverse effect on the neighbouring land. The driveway access will be in permeable block paving."

Waste storage and collection

Provision for the storage of recycling bins is to the front of the site on collection days with storage at

individual properties for the rest of the week. The proposed bin store if used appropriately should not impact the character or amenity of the area. It is set back from the highway access so does not affect visibility.

Boundary treatment

Fences between the properties are to be 1.8 metres high and constructed from close boarded timber. This is considered to remove the potential for any overlooking impact and helps to secure the properties.

Flood risk

In terms of flood risk, part of the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

Given that the majority of the district is located within Flood Zone 3 the South East Lincolnshire Strategic Flood Risk Assessment (2017) is used as a basis to apply the sequential test. In this respect, the site is located within an area not identified as being subject to increased flood hazard or flood depth. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district. In terms of the latter, the finished floor levels (FFLs) be set at least 300mm above existing ground level.

PLANNING BALANCE

Whilst the proposed bungalows are of a density that is greater than that of surrounding plots, it does not materially impact the character and amenity of the surrounding area. There have been no significant issues identified that would outweigh the benefits of the proposed scheme. The proposal is considered to accord with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019.

CONCLUSION

In light of the above, the recommendation is for a delegated 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.