DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-0909-20**	**Applicant:**	**Mr P Hilton**
Proposal:	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.		
Location:	Adj. 11 Badgate Road 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 & 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	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 Modification application for the erection of a 3 bed detached chalet bungalow with off road parking and access - approved under H04-0399-20 - on land adjacent to 11 Badgate Road, Donington. This application seeks a modification of Condition 2 to allow amendments to previously approved plans.

The proposal seeks to provide an open plan kitchen, dining room and family room, wc, entrance hall, lounge, utility, master bedroom, en-suite and an attached double garage at ground floor level. At first floor level three bedrooms, an en-suite and a bathroom are sought. First floor rooflights are to 1.6 metres above floor level at the base of rooflight.

Proposed materials of construction are Terca Heritage Blend bricks, with dark grey Sandtoft Double Pantiles and Cream uPVC Windows and Doors.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The dwelling will be sited on the garden to the side of 11 Badgate and will constitute a frontage dwelling. The site is in Environment Agency Flood Zone 1, and is not subject to increased hazard or floor level on the 2115 South Holland Strategic Flood Risk Maps.

HISTORY

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) - Currently undecided.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections. Requests standard access and utility informatives.

Members of the public

Dwelling in front of the building line. Claims there is a restriction put in place regarding this.

Part of front of dwelling is sited over drains.

Overdevelopment

Overlooking

Noise

Off-road parking provision

PLANNING CONSIDERATIONS

Principle of Development

The site is within the defined settlement limits of Donington, is currently in residential use, and benefits from an extant planning permission for a dwelling. Therefore, the principle of residential development on this land is considered acceptable.

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

This proposal is assessed against SELLP Policy 1 title - Spatial Strategy. The relevant position for Donington in the settlement hierarchy is Main Service Centre. The criteria for this section state:

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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 provision of a dwelling in this location would contribute towards the role of Donington in the settlement hierarchy.

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 above relevant criteria the following can be observed:

1. There is no defined built character to the surrounding area and the proposed dwelling is not considered to be visually discordant or overly imposing in comparison to other dwellings in the vicinity. Existing trees, save for the frontage hedge, will not be impacted. The proposal is for a residential use in a residential area with a plot size that is comparable with others in the vicinity along Badgate Road.

2. The design and orientation is considered to be appropriate for the site. There is not a defined built character for the area. An objection was made with regard to the siting of the dwelling forward of the building line, and that there is a restriction in place regarding this. The planning history of 11 Badgate Road has been checked and there are no planning conditions in place with regard to building lines. It is not considered that siting the dwelling forward of an abstract building line will cause material harm to the character or amenity of the surrounding area.

3. The proposal does not seek to maximise the use of sustainable materials. However, the proposal materials of construction are in keeping with the character of the surrounding area.

4. The proposal site has off road parking provision for four vehicles. The proposal is for a three or four bedroom property depending on whether the first floor study is utilised. If the proposal is for four bedrooms then under SELLP Appendix 6 the requested minimum number of off-road parking spaces is three. The proposed dwelling meets this requirement.

5. There is not considered to be a material impact on existing community services and infrastructure. Donington is a main service centre and has a number of provisions for inhabitants of the settlement.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. There was

concerns expressed by a member of the public regarding noise but this was speculation as to the type of future occupant and this is not a matter of significant planning weight.

7. The site is in Environment Agency Flood Zone 1, and is not subject to increased hazard or floor level on the 2115 South East Lincolnshire Strategic Flood Risk Assessment (2017) maps. Therefore there is not considered to be a reason to raise the finished floor levels of the proposed dwelling.

The proposal is considered to accord with SELLP Policy 2.

Assessment against 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 relevant criteria the following can be observed:

1. The proposal is considered to respect the sense of place, and is of a comparable scale and massing to other dwellings in the vicinity.

2. The proposal is in the vicinity of a bus route and is served by a footpath to the front of the site.

11. Residential amenity is not considered to be materially impacted and the footprint of the dwelling is only marginally closer to neighbouring properties than that of the original design approved under H04-0399-20. The front of the dwelling projects further forward than that of the original with the maximum apex height of garage being at 6 metres. The garage is approximately 5 metres away from 13 Badgate Road at the nearest point and would only have an impact on light at the end of the day. When a 45 degree angle is drawn from the apex this does not hit above halfway of the window in the converted garage room of 13 Badgate Road. Under the right to light calculations it is therefore considered that the height and proximity of the garage is acceptable in this location. There is not considered to be a significant concern and would not be enough weight alone to justify a recommendation for refusal.

There is not considered to be a material overlooking aspect. The first floor windows on the front and rear elevations represent a standard frontage arrangement, and are no closer to residential properties than the previously approved design under H04-0399-20. The windows face rear gardens at the rear, and the principal elevation windows face the frontage of dwellings on the opposite side of Badgate Road. First floor rooflights are to 1.6 metres above floor level at the base of rooflight, therefore, there isn't considered to be an overlooking aspect to the gardens of 9a and 11 Badgate Road to the south and south-west. Views from the side facing dormer to bedroom two towards the side window of no. 11 would be obscured by the western projection of the building.

12. The site is in Environment Agency Flood Zone 1, and is not subject to increased hazard or floor level on the 2115 South East Lincolnshire Strategic Flood Risk Assessment (2017) maps. Therefore there is not considered to be a reason to raise the finished floor levels of the proposed dwelling.

13. The proposal does not seek to utilise locally sourced building materials and minimises land take.

14. The existing hedgerow to the front of the site is to be retained and additional planting will be sited to the front of the building.

The proposal is considered to accord with SELLP Policy 3.

Assessment against South East Lincolnshire Local Plan (SELLP) Policy 11 - Distribution of new housing

This proposal is assessed against SELLP Policy 11 - Distribution of new housing. This policy has set a target of 472 new dwellings for Donington by 2036. This dwelling would contribute towards this total.

Dwelling sited above drains

Anglian Water have stated that the applicant would need to apply to them should they wish to install a dwelling above a drain for which they are responsible.

PLANNING BALANCE

Whilst the proposed dwelling is slightly larger in size than that of the previous approval, there is not considered to be a material impact on the amenity and character of the surrounding area. The proposal is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as

CONCLUSION

The proposal is recommendation 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.