DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1091-22**	**Applicant:**	**Highgrove Homes (Spalding) Ltd.**
Proposal:	Erection of bungalow - outline approval H09-0806-20		
Location:	23 Jekils Bank Holbeach St Johns Spalding		
Terminal Date:	4th January 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
17	Providing a Mix of Housing
28	The Natural 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 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application for a proposed detached bungalow with access off Jekils Bank.

The proposal also comprises the means of access to the site, boundary treatments, landscaping, the layout, scale and external appearance of building, including a schedule of external materials to be used. The bungalow would have 4no bedrooms; one with en-suite shower room, living room, kitchen/dining room, utility, bathroom, w/c and an integrated garage.

The walls would be constructed using tigra multi bricks with dark grey engineering bricks below DCP level and sandtoft double pantile roof tiles in terracotta. It would have cream upvc windows, black soffits/fascia's/rainwater goods and black cedral weatherboarding on part of the front elevation.

The site has outline permission for one dwelling approved under application reference H09-0806-20.

Site Description

The application site is located on Jekils Bank in Holbeach St Johns. It is located between 2no two storey dwellings. The site has a frontage to the highway and access from it. The land sits within the linear form of the settlement at this point and backs onto open countryside.

History

H09-0806-20 - Erection of Dwelling - Approved

H09-0397-16 - OUTLINE. Residential development - one dwelling - Approved

Consultation Responses

South Holland Internal Drainage Board

No objections subject to compliance with the Board's Bylaws.

LCC Highways/SUDS Authority

No objections as the existing access would be utilised and adequate provision for car parking and turning space has been provided within the site.

Residents

3no letters of objection have been received (all from the same objector) siting the following concerns:

·Flood risk due to unsuitable drainage
·Overbearing impact due to the uneven site levels

·Loss of daylight and sunlight due to close proximity of the bungalow to neighbouring dwellings
·The width of the frontage is disproportionate to the size of the plot and not in keeping with other buildings in the vicinity
·Noise disturbance due to close proximity of the bungalow to the boundary
·Objections have not been published online
·Why was the ground investigation report not submitted same time as the application
·Why have the BCE 365 Infiltration test results been ignored
·2no hedges and trees have been removed without planning permission
·Deeper excavation to accommodate the footing changes recommended in the ground investigation report could have a detrimental impact on neighbouring properties

Planning Considerations

Principle of development

The site is within the settlement boundary of Holbeach St John. The site also has outline planning permission therefore the principle of residential development was approved at such location and therefore this is not disputed with this current application.

Layout, appearance and design

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

A local resident has objected on grounds that the width proposed bungalow is disproportionate to the size of the plot and not in keeping with other buildings in the vicinity. The concerns are noted, however, the proposed bungalow is on balance considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space. As such it is not considered that the proposal results in overdevelopment of the site and the dwelling would not be significantly bigger than other dwellings in the immediate vicinity. The bungalow would have a similar set-back from the road to the two neighbouring dwellings on either side therefore it is not considered to be out of keeping with the street scene.

Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The walls would be constructed using tigra multi bricks with dark grey engineering bricks below DCP level and sandtoft double pantile roof tiles in terracotta. It would have cream upvc windows, black soffits/fascia's/rainwater goods and black cedral weatherboarding on part of the front elevation. Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

Site levels would be the same as the existing adjacent properties therefore no unacceptable impact would result on the amenity of adjacent residents. Finished floor levels would be raised by 300mm above adjacent ground levels. Raising the dwelling by such an extent would not materially impact the street scene.

As such the development is not considered to result in detrimental to the character of the area and is therefore acceptable in terms of its design and siting.

Landscaping and boundary treatments

Part of the front garden would be grass and the rest would be gravelled to provide off-street parking and turning provision for 2 vehicles. Hard landscaping includes buff paving around the perimeter of the house and a small section of the rear garden. In terms of soft landscaping it would include 5no phornium in the front garden and a hedge along the front boundary. The rear garden would be mainly lawn and would likewise be of decent size to ensure good levels of amenity to the future residents.

The existing fence along the southern (rear) boundary would be retained. The eastern and western boundary fencing would also remain as existing. The front boundary would have a hedge.

On balance, the proposals for landscaping and boundary treatment would be appropriate with existing site features and the residential use of the land. As such the scheme is considered to be in accordance with Policies 2 and 3 of the SELLP in respect of their provisions on landscaping and boundary treatments.

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.

The closest neighbour to the proposed development is to the east of the site at no.21 Jekils Bank. This neighbour has objected to the proposal on grounds of overbearing impact due to the uneven site levels, loss of daylight and sunlight due to close proximity of the bungalow to neighbouring dwellings and noise disturbance due to close proximity of the bungalow to the boundary. The concerns are noted, however, given the single storey nature of the proposed dwelling and the fact it would not project beyond this neighbours rear elevation it is not considered to result in overbearing impact. Given the orientation of the property there would only be limited loss of sunlight towards the end of the day. With regards to concerns of noise, given the development proposes a single dwelling therefore any noise generated from the site would be within acceptable tolerances. In respect of the concerns relating to site levels the submitted plans indicate that site levels would be the same as the existing adjacent properties therefore no unacceptable impact would result on the amenity of adjacent residents.

With regards to the neighbour to the west at no.25 Jekils Banks the proposed dwelling would be located close to the shared boundary with this neighbour but approximately 12 metres from its side elevation. Given this separation distance it is not considered that any overbearing impact or unacceptable overshadowing would result. 2 windows and one garage door are proposed in the western elevation facing this neighbour. Given this neighbour doesn't have any primary windows in its side elevation facing this neighbour and the fact there would not be any prominent views above the high level boundary fence it is not considered that any unacceptable overlooking or loss of privacy would result.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Access, Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3no bedrooms should be provided within the curtilage. The proposed dwelling would have 3 bedrooms. The proposed driveway layout would be sufficient for two vehicles that could enter and egress the site in a safe and forward manner. Additional parking would be provided in the garage. Overall, the proposals would ensure minimum parking standards.

The County Highways Authority has not objected the proposal as the existing access would be utilised and adequate provision for car parking and turning space has been provided within the site to enable vehicles to enter and leave in a forward gear.

A such there are no access/parking/highway safety concerns.

Flood risk and drainage

The site is within flood risk zone 1 with a low probability of flooding therefore 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).

A neighbour has objected to the scheme on grounds of flood risk due to unsuitable drainage and concerns the BCE 365 Infiltration test results have been ignored. The concerns are noted, however, following advice from South Holland Internal Drainage Board advising the applicant to evidence the viability of the proposal to dispose of surface water via infiltration the applicant submitted a ground investigation report showing infiltration potential, followed by testing in line with BRE Digest 365.

The results from the BRE 365 infiltration test show that the ground is suitable for an infiltration surface water drainage system, however, SHIDB has advised that the detailed design should bear in mind the likely variable groundwater level and the less permeable strata at depth, as such infiltration drainage should be kept shallow. 2 tests were completed in the same test hole on the same day in our experience in the area a third test undertaken on the following day always results in an improved infiltration rate as such a value of 7.12x10-6 would be suitable for design purposes.

The applicant is advised that if for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Any discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. It is noted that the applicant intends to treat foul waste using a package treatment plant, however they have not indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. As such a condition has been appended requesting the submission of these details. The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been attached to the decision advising the applicant of the Boards Bylaws.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Other matters

A neighbour has objected to the proposal raising the following concerns:

Their objections have not been published online - this is noted, however resident representations are not published online and the objector has been notified of this.

Why was the ground investigation report not submitted same time as the application - The ground investigation/percolation testing was submitted following comments from the Drainage Board advising this to be carried out and presumably because they didn't want this to be conditioned.

2no hedges and trees have been removed without planning permission - The outline permission does not require the retention of these and the site is not within a Conservation Area nor are any trees within the site subject to a TPO therefore planning permission is not required for this.

Deeper excavation to accommodate the footing changes recommended in the ground investigation report could have a detrimental impact on neighbouring properties - The concerns are noted, however, unfortunately this is not a material planning consideration therefore the scheme could not reasonably be resisted on this basis. The building work would be overseen by Building Control to ensure the foundations are safe and in accordance with the Building Regulations. In addition, the proposed dwelling appears to be sufficiently spaces from neighbouring dwellings therefore it is unlikely that it would disturb neighbouring property foundations etc.

Planning balance

The principle of developing the residential scheme is acceptable at such location given the extant outline permission.

The external materials, landscaping and mean of enclosure would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The dwelling footprint would sit well within the plot. No unduly harm would occur upon the amenity standards of adjacent

neighbours.

On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of approving the reserved matters would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 17, 28, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 12, 14 and 15 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.

RECOMMENDATION

The application can be approved under delegated powers.