DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0842-22**	**Applicant:**	**Mr C Boz & Mr S Boz**
Proposal:	Erection of bungalow and garage - outline approval H16-0352-20 (approved on appeal)		
Location:	Rear Of 147 Hawthorn Bank Spalding		
Terminal Date:	2nd November 2022		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Reserved Matters approval is sought for the erection of a bungalow and garage on land to the rear of 147 Hawthorn Bank, Spalding. Outline planning permission was refused under the planning application H16-0352-20, but was allowed through appeal.

The proposal is for a single storey 3 bed dwelling, served by a private drive adjacent to the driveway serving 147 Hawthorn Bank.

Site Description

The proposal site is within the defined settlement limits of the largest settlement in the District. The surrounding area is characterised by dwellings of varying ages and design.

The site is currently the rear garden area of 147 Hawthorn Bank, which is a detached bungalow in a run of detached dwellings, on the northern side of the road. As this is a domestic garden it is not considered to be previously developed land.

History

H16-0352-20- OUT- Refused on 24-06-20, Appeal Allowed on 03-06-21- Erection of bungalow and garage.

Consultation Responses

Welland & Deepings IDB

No Comments

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission. This proposal is for the erection of a bungalow and garage to the rear of 147 Hawthorn Bank which will utilise the existing access which meets the guidelines set out in Manual for Streets.
Adequate provision for car parking and turning space has been provided within the limits of the site for both the new and host dwellings and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

Planning Considerations

Principle

The principle of the development of this site for a single storey residential dwelling is set by the outline consent granted. The main issues to be taken into account in respect of this application are whether the proposed scheme is acceptable in terms of the reserved matters (layout, scale, external appearance and landscaping). The access was agreed at outline stage.

Layout, Appearance and Scale

The proposal is for a 3 bed bungalow of a similar footprint and design to others in the vicinity. The proposed materials of construction are Ibstock Ivanhoe Westminster bricks, Spanish slate roof tiles, cream UPVC windows and doors and black rainwater goods. Given that the design/visual appearance of existing properties in the wider area is varied, the proposed materials are considered appropriate.

In regard to the scale, all surrounding properties are of a single storey nature and the proposed dwelling would be sited on a modest sized plot for back land development, without being cramped.

Finished floor levels would be raised 300mm above average ground level. Raising the properties by such an extent would not materially impact the street scene.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires

development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Private Drives

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

The dwelling would be served by a private drive with a carrying distance greater than that set out above for residents to deposit sacks kerbside. However, given that the application concerns a single dwelling, the refuse associated with that property would be limited and any amenity or visual impact of sacks being deposited to the front of no. 147 would be extremely limited. On the basis of this, and the fact that the main intention behind the above mentioned guidance note is to address issues associated with private drives serving more properties, the arrangement is considered acceptable.

Access and Parking

The dwelling is accessed by a private drive from Hawthorn Bank. The Highway Authority have raised no objection to the proposed access arrangements on highway safety grounds, which are therefore considered to be in accordance with Policy 2 of the Local Plan. This requires it to be demonstrated that access and vehicle generation levels will be acceptable.

Appendix 6 of the Local Plan sets out minimum parking standards, including for new residential development. 2 parking spaces within the curtilage should be provided for dwellings with up to 3 bedrooms. Between the garage and the driveway space provided, the proposal complies with this requirement.

Landscaping

In terms of soft landscaping it would include the rear garden and surrounding area to be grassed.

Hard landscaping includes washed Gravel Drive with concrete edgings, with paths and patio's to have mixed size Indian Limestone Slabs.

Existing boundary treatments are to remain and be enhanced where required.

This is considered to be a suitable landscaping scheme for the site and in accordance with Policy 3 of the Local Plan in respect of its provisions on landscaping.

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 proposed bungalow faces the rear of 147 Hawthorn Bank but there is around a 26m separation distance with a garage in between, and both properties are single storey, thus there would be no material overlooking impact.

The only side facing windows on the eastern side are to a study and bedroom 2, which are a more than 12m away from the side elevation to the neighbouring dwelling to the east. The property to the rear is single storey and approx. 16m away. The rear garden of the neighbouring bungalow is to the west. Given the separation distances and/or height of the bungalows, there would not be a material overlooking, overbearing or loss of light impact.

The finished floor levels (FFLs) of the dwelling are to be set 300mm above average ground level. This would not materially affect the above conclusions.

Overall, it is not considered that the bungalow would have a contentious relationship with the neighbouring dwellings and the proposal satisfactorily complies with Policies 2 and 3 of the Local Plan in amenity terms.

Flood Risk and Drainage

The finished floor levels (FFLs) of the dwelling are to be set 300mm above average ground level. The proposed levels indicated on 3255 - 02B satisfy this requirement.

Rainwater is to discharge into a soakaway a minimum of 5m from any building and foul drainage is

to connect into the existing bungalow at 147 Hawthorn Bank drainage system. This is an acceptable arrangement.

Given the above, it is considered that the flood mitigation and drainage measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.

Planning Balance

The principle of residential development on this site has already been established by virtue of the outline permission. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk matters are considered to have been appropriately addressed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore 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.