

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1051-22 **Applicant:** Scottpark Developments Ltd.

Proposal: Residential Development - Erection of Detached Dwelling - Outline Permission H16-0330-20

Location: Tidswell Bungalow Burr Lane Spalding

Terminal Date: 14th June 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
32	Community, Health and Well-being
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application for a detached dwelling with access on the land adjacent Tidswell Bungalow. The site has outline permission for one dwelling approved under application reference H16-0330-20. The original outline permission related to a bungalow, while this is a two-storey property.

The proposed dwelling is a two-storey, three-bedroom house with integrated garage. The proposed house is 'L' shaped, with a single storey protrusion to the south. The dwelling would cover an approximate area of 130 meters square, making it comparable in size to its neighbours. The proposed dwelling is to be constructed of Vandersanden Old Cottage Mix brick, with Sandtoft Calderale Grey roof tiling. Windows would be cream UPVC, with black guttering.

The proposed dwelling would measure between approximately 12 metres (at its deepest) and 7.8 metres in depth. The width would be approximately 12.5 metres. The property would have a stepped, dual pitch roof. The height to eaves at the single storey portion would be approximately 2.75 metres, with a peak height of 4.95 metres. The two-storey portion would have a lower eaves height of 3.6 metres and a higher of 4.4 metres. The lower portion would have a peak height of 6.45 metres, compared to the higher portion's height of approximately 7 metres. These measurements include the height of the proposed raised floor levels.

The proposal also includes: details of boundary treatments, site drainage, details of new access, and finished site levels. Finished floor levels are set to be raised to 10.3m AOD, meaning a raise of 0.57 metres over average site levels. There is an existing 1.8 metre high close-board fence which is to be retained. A cherry tree is to be planted to the rear. Hawthorn and beech is to be planted along the front border. Additional planting of mixed shrubberies is proposed for the front garden.

The separation distance between the proposed dwelling and the adjacent existing properties is minimal. There is an approximate distance of 7.8 metres between the second-storey portion of the proposed house and the eastern neighbour. On the western side there is approximately 3.25 metres of separation distance between dwellings.

Site Description

The site is located outside of any settlement boundary outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP), but is within a small residential area. There is a defined frontage development on each side of Burr Lane. The character is predominantly residential in a countryside setting. There is a certain range of designs, appearances, and ages along the street scene although the prevailing building is gable pitched bungalow. Despite this prevailing building type, there is a growing prominence of two-storey detached dwellings. There is no prevailing colour scheme present.

The proposed site is currently the domestic garden and driveway of the dwelling Tidswell Bungalow. The driveway runs to the east and extends to the rear of the garden and backs onto the yard of the neighbouring property 19B Fen End Lane. A sheltered structure stands in the driveway. The intended dwelling will be flanked by a large bungalow to the west and a recently built two-storey detached house.

Relevant History

H16-0330-20 - Outline. Residential Development. Approved 11/06/20.

Consultation Responses

Highways and Lead Local Flood Authority

"No objections. This proposal now includes two vehicle access crossings - rather than the single

access illustrated on the Outline submission. This is not unacceptable to the highway authority and may be regarded as a preferable arrangement, as it makes it more likely that residents would enter the highway in a forward gear. The new vehicle access will need to be constructed in accordance with the current highway authority standards. Adequate space is to be provided within the plot for parking and manoeuvring of residents, vehicles. In view of the above, it is considered that the proposed development could be constructed and occupied without having an unacceptable impact upon highway safety and therefore no objection to the grant of Consent is raised by the highway authority."

Attention is drawn to the attached informative regarding approval from the Highway Authority.

Environmental Protection

No observations.

South Holland Internal Drainage Board

No objections. Draws attention to the potential requirement for Drainage Consent to be sought from the Board by the applicant.

Planning Considerations

Principle of Development

Policy 1 of SELLP sets out the spatial strategy for new development across the district. As the site has already received outline permission, and has therefore passed the sustainable development test, the principle of development on the site is sound.

Layout, Design, Size and Scale

Paragraph 130 of the 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. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

The aforementioned footprint (approximately 130 square meters) is comparable to neighbouring dwellings. The dwellings in the vicinity have an average footprint of approximately 128 meters squared, with the two houses immediately adjacent occupying a far large space of approximately 180 square meters. The proposed bulk of the development is therefore acceptable.

The proposed depth and length of the house (mentioned above) is proportional to the plot size and the neighbouring dwellings. While the height of the property is obviously greater than its single storey counterparts, the second storey is naturalised by adjacent developments. The scale of the development is therefore acceptable.

The proposed building materials would be in keeping with the character of the area. There is no prevailing colour pallet in the area, although there is a general favouring of rustic materials and colours. Therefore, the proposed use of faux traditional brick types would be in keeping with the character of the area. The sandy red colouration of the bricks would also be in keeping with the area.

There is no prevailing house design in the area. Despite this, the proposed design would be in keeping with the character of the area and would not appear incongruous.

Therefore, for the above reasons, the proposal is considered to accord to Policy 2 of the SELLP and Section 12 of the NPPF in terms of design, scale, and bulk.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning

decisions.

With regard to overlooking, the east and west elevations are of the most importance. The south and north elevations will face onto the garden and road respectively, meaning any views of neighbouring properties will be from oblique angles. Only one window is proposed on the west or east elevations, a single window on the ground floor facing to the east. The view from this window would be obscured by the proposed boundary fence, preventing occupiers from looking into the neighbouring dwelling. Therefore, the proposal would not create an unacceptable level of overlooking and would conform to policy on this issue.

It was noted on site that the potential for overshadowing is low. There were no facing windows on the eastern neighbour to be overshadowed, while the sufficient distance and boundary treatment should prevent any significant overshadowing on the front garden.

The only risk of overshadowing of note is the east facing window of Tidswell bungalow. The angle of the roof, combined with the boundary treatments would prevent any significant overshadowing. As such, these concerns are minimal.

The proposal therefore conforms to Policies 2 and 3 of the SELLP in terms of residential amenity.

Flood Risk

Policy 4 of the SELLP and Section 14 of the NPPF concern drainage and flood risk.

The issue of flood risk was sufficiently addressed during the outline application stage. The condition enforcing that development accords to the submitted flood risk assessment should still stand.

To mitigate the potential flood risk, site levels have been raised. The previously submitted flood risk assessment set a requirement of raising levels by a minimum of 300mm. Proposed here is a rise of 570mm. This will thoroughly ensure the longevity of the property and mitigate any flood risk. While ordinarily such a large discrepancy between the required floor levels and the proposed floor levels would be unacceptable, in this instance they are acceptable. This is due to the proximity of the property to an area of higher flood depths (approximately 25 metres to an area with expected depths of 0.5 metres). In addition, the proposed floor levels would be consistent with the adjacent new build property to the east (which are set at greater than 500mm).

The proposal, in line with condition 5 of H16-0330-20, also outlines details of surface and foul water drainage. The surface water is to be controlled by a series of soakaways within the curtilage. This proposal is deemed acceptable and will adequately control onsite drainage.

The proposal therefore conforms to Policy 4 of the SELLP in terms of drainage and flood risk.

Highways and Parking

Policy 36 and Appendix 6 of the SELLP relate to parking requirements. For a three-bed dwelling, such as this, a minimum of two spaces are required. One space is provided via the garage, while the proposed driveway would have ample room for a minimum of two vehicles, providing a total of three spaces. The proposal therefore conforms to Policy 36 and Appendix 6 of the SELLP.

Two access points are proposed onto Burr Lane. The relevant consultee from the Highway Department raised no objections to this arrangement and it is likely that this arrangement would be safer than the previously approved single access.

The proposal is therefore acceptable in terms of highway safety and parking.

Planting and Border Treatments

Condition 7 and 8 of H16-0330-20 required details of boundary treatments and planting to be submitted alongside a reserved matters application. As outlined above, the existing border fences are to be retained. Native shrubs are to be planted in the front garden. The front border would be marked by a row of hawthorn bushes. A beech is proposed along the centre of the front border, between the two access points. To the rear it is proposed that a cherry tree planted.

The submitted details are acceptable, adequately meeting the requirements of the original

conditions.

Planning Balance

The submitted design is acceptable and would be in keeping with the character of the area. The scale of development is comparable to the surrounding neighbours. As such, the proposal conforms to Policy 2 of the SELLP.

The concerns regarding overshadowing and overlooking are not deemed significant. The risk of overlooking is minor due to the placement of windows and the proposed boundary treatments. The proposal would not create significant levels of overshadowing due to the distances present and the design of the dwelling. The proposal therefore conforms to Policies 2 and 3 of the SELLP.

Policy 4 of the SELLP relates to flood risk and drainage. Both of these issues were partially addressed during the initial outline stage. It is proposed that finished floor levels would be raised by 570mm. This level is consistent with the adjacent property to the east (which was raised by greater than 500mm). In addition, due to the proximity to an area of greater flood risk, it is deemed that this rise is necessary to fully mitigate against the potential impacts of flooding. The proposal therefore conforms to Policy 4 of the SELLP in terms of flood risk and drainage.

As was required by Conditions 7 and 8 of H16-0330-20, details of boundary treatments and planting have been submitted. The existing border fences are to be retained, with a suitable level of planting proposed to the front and rear. The proposal is deemed suitable and sufficient to the needs of the property.

The relevant consultee from the Highways Department has raised no objections, stating that the proposed two access points would ensure the safe movement of vehicles in and out of the property. The proposal would have ample room for at least three vehicles, conforming to Policy 36 of the SELLP and Appendix 6 of the SELLP/

The planning balance is in favour of the proposal.

Conclusion

The recommendation is for 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.