

# Development Management Delegated Decision Report

B/20/0281



| SUMMARY OF APPLICATION                    |  |                                  |                                 |                       |
|---|--|----------------------------------|---------------------------------|-----------------------|
| <b>Application Reference</b>              | B/20/0281  |                                  |                                 |                       |
| <b>Application Type</b>                   | Outline Planning Permission  |                                  |                                 |                       |
| <b>Proposal</b>                           | Outline application for the erection of one single storey dwelling with detached double garage with means of access to be considered. All other matters reserved |                                  |                                 |                       |
| <b>Location</b>                           | Land to the rear of Crest House, Coles Lane, Swineshead, Boston, PE20 3NS  |                                  |                                 |                       |
| <b>Applicant</b>                          | Mr Nigel Garner  |                                  |                                 |                       |
| <b>Agent</b>                              |  |                                  |                                 |                       |
| <b>Received Date:</b>                     | 30-Jul-2020  | <b>Consultation Expiry Date:</b> | 17-Sep-2020                     |                       |
| <b>Valid Date:</b>                        | 10-Aug-2020  | <b>Statutory Expiry Date:</b>    | 05-Oct-2020                     |                       |
| <b>Date of Site Visit:</b>                | 26-Aug-2020  | <b>Extension of Time Date:</b>   |                                 |                       |
| <b>Objections received?</b>               | No   |                                  |                                 |                       |
| 5 day notification record: Not applicable |  |                                  |                                 |                       |
|   | <b>Councillors notified</b>  | <b>Date</b>                      | <b>Response received – date</b> | <b>Ok to continue</b> |
|   |  |                                  |                                 |                       |
|   |  |                                  |                                 |                       |
|   |  |                                  |                                 |                       |
| <b>Recommendation</b>                     | REFUSE   |                                  |                                 |                       |
| <b>Report by:</b>                         | Grant Fixter   |                                  |                                 |                       |
| <b>Date:</b>                              | 18/09/2020   |                                  |                                 |                       |



## **OFFICER REPORT**

### **SITE AND SURROUNDINGS:**

The application site is located behind frontage development off Coles Lane, Swineshead. As identified in the South East Lincolnshire Local Plan, the site is within the settlement boundary for Swineshead. The site comprises the garden of Crest House, with the northern boundary defined by Crest House and Coles Lane, the eastern and western boundaries defined by fencing and the southern boundary defined by a row of conifers and semi mature trees. North of the application site is Crest House, with the garden of Rosedale to the east, agricultural fields to the south and land currently under construction for 5 bungalows to the west (planning reference: B/20/0033). The site would achieve access off Coles Lane between Crest House and Rosedale.

### **DETAILS OF PROPOSAL:**

This application seeks outline planning permission for the erection of one single storey dwelling with a detached double garage with means of access to be considered. All other matters are reserved. The garage which serves Crest House would be relocated in order to achieve access.

Albeit the application is outline, the applicant has submitted an indicative plan to demonstrate how the site could be developed for one single storey dwelling and a detached double garage.

### **RELEVANT HISTORY:**

- B/14/0140 – Construction of 1 No. detached house, detached double garage and construction of vehicular access to the highway – Approved on 02/07/2014
- B/09/0117 – Outline application for residential development (4 plots) – Approved on 01/06/2009;
- B/06/0187 – Outline application - Residential Development (6 plots) – Approved on 07/06/2006.

As previously highlighted, land immediately to the west of the application site is currently under construction and has the following planning history:

- B/20/0050 - Proposed Bungalow and Garage with associated works – Withdrawn;
- B/20/0033 – Proposed residential development of 5 Bungalows and associated work – Approved on 30/04/2020;
- B/18/0412 – Outline application with some matters (Appearance, Landscaping and Scale) reserved for later approval for the erection of 4 No. two storey dwellings and one bungalow with double garages – Approved on 06/12/2018.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;

- Policy 10: Meeting Assessed Housing Requirements;
- Policy 11: Distribution of New Housing;
- Policy 17: Providing a Mix of Housing;
- Policy 30: Pollution;
- Policy 36: Vehicle and Cycle Parking.

## **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

### **National Planning Policy Framework (2019)**

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- Section 12: Achieving well-designed places.

## **CONSULTATION RESPONSES:**

Lincolnshire County Council who act as the Local Highway and Lead Local Flood Authority do not wish to restrict the grant of permission.

## **THIRD PARTY REPRESENTATIONS RECEIVED:**

One letter of third party representation was received from occupiers of the neighbouring property Rosedale, who did not wish to object to the application but simply made the following comments:

- Their views and garden have been impacted by the 5 bungalows currently under construction and this proposal will add to that;
- Concerns regarding the access being gravel and would prefer tarmac to reduce noise impact;
- Would want any building works to finish as soon as possible;
- Asked if this proposal would affect their chances of getting permission for a similar scheme;
- Would be happy with the provision of a 1.8m fence as suggested by the applicant to help maintain privacy.

Where appropriate, the above matters are discussed below. Given the content of the comments, it is not considered these constitute objections to this proposal so it is not necessary for Ward members to be consulted through this Council's delegated powers procedure.

## **EVALUATION:**

The main considerations in the determination of this application are:

- Principle of development;
- Impact on highway safety and parking;
- Impact on the character of the area;
- Impact on residential amenity;
- Design and layout;
- Flood risk and drainage.

### **Principle of development**

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed. Applications in the countryside (outside of settlement boundaries) will be approved provided it is necessary to its location and/ or can be demonstrated that it meets sustainable development needs of the area.

As shown on 'Inset Map 10 – Swineshead' of the SELLP, the site is located within the settlement boundary for Swineshead. Swineshead is identified as a Main Service Centre. The SELLP indicates that Main Service Centres generally consist of those settlements seen to perform significant service roles. It is worth noting that the reasoned justification for Policy 1 states Swineshead in particular has been identified as it is considered that it could evolve and perform a more supporting role to surrounding communities.

The proposal is for a single storey dwelling with a detached double garage. A site for 5 bungalows immediately to the west is currently under construction, with development also to the north. The site is located within the settlement boundary and the provision of a single dwelling would make a limited, but positive contribution to housing supply. The principle of residential development on this site is acceptable subject to the objectives of the relevant policies in the SELLP as identified above being met.

#### Impact on highway safety and parking

The application site gains access onto Coles Lane which, for the most part, is a narrow road. It has two junctions onto Station Road and runs partly in an east to west direction, some 350m long which terminates at Rush Farm to the west. The other part of the lane runs in a north-south direction and is two way which junctions further to the north with Station Road. The majority of residential development along this lane is located along its southern side.

It is proposed to utilise the existing access that serves Crest House off Coles Lane, with a private drive branching off in a north to south direction that will run between Crest House and Rosedale to serve the proposed property. The private drive will be approximately 5 metres wide with a turn facility at the end.

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

In this instance, the application is outline so it is not known how many bedrooms the proposed dwelling would have so it cannot be determined how many parking spaces would be required to comply with policy. The indicative layout does show provision for 2 spaces.

It is not considered that the traffic that may be generated by one dwelling will harm highway safety.

#### Impact on the character of the area

SELLP 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include 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 as well as the

quality of its design and its orientation. This accords with paragraph 127 of the National Planning Policy Framework, which contains similar provisions.

SELLP Policy 3 states that all development proposals will create a sense of place by; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

It is noted the character of development along Coles Lane is predominantly of a linear frontage pattern, with the exception being the development of 5 bungalows currently under construction immediately west of the application site (B/20/0033).

Whilst this application is in outline form only, with means of access to be considered and all other matters reserved for later considerations, the application is accompanied by indicative details which attempt to demonstrate how a dwelling would fit within the site and meet the identified policy requirements. From the indicative plans it can be ascertained that the proposed dwelling would be single storey in nature with a detached double garage outbuilding located between Crest House and the proposed dwelling. When viewed from Coles Lane, the proposed dwelling would be situated at a distance and location where it would be almost completely obscured, so visual harm from the highway would be limited.

However, there are significant concerns that the introduction of a dwelling in the backland position identified would be generally at odds with the existing character of the area which is predominantly derived of frontage plots of a linear fashion. The exception being the development west of the site. It is deemed the presence of this development should not provide an over-riding justification for allowing further dwellings in a similar fashion – if this were to occur, the overall cumulative effect would be one which has a significant adverse effect on the overall area.

The main and most important difference to identify between this proposal and the development to the west are the application sites themselves. The site to the west was a large piece of open, landscaped garden land, which explains why the frontage properties along Coles Lane to the west of Crest House have smaller gardens. This application site is in the garden of Crest House. The development to the west, therefore, was not in a garden, whereas this application is which a big determining factor in this application.

As already stated and highlighted in the below image, the frontage properties along Coles Lane to the west of Crest House have smaller gardens, whereas Crest House, Rosedale and Hathaway Lodge east of the site have long, set back gardens. This clearly demonstrates there is a clear difference in the character of the land to the west of the site and the character of Crest House, Rosedale and Hathaway Lodge. The proposal would significantly reduce the spacious garden of Crest House, thus the general density of development would be increased.

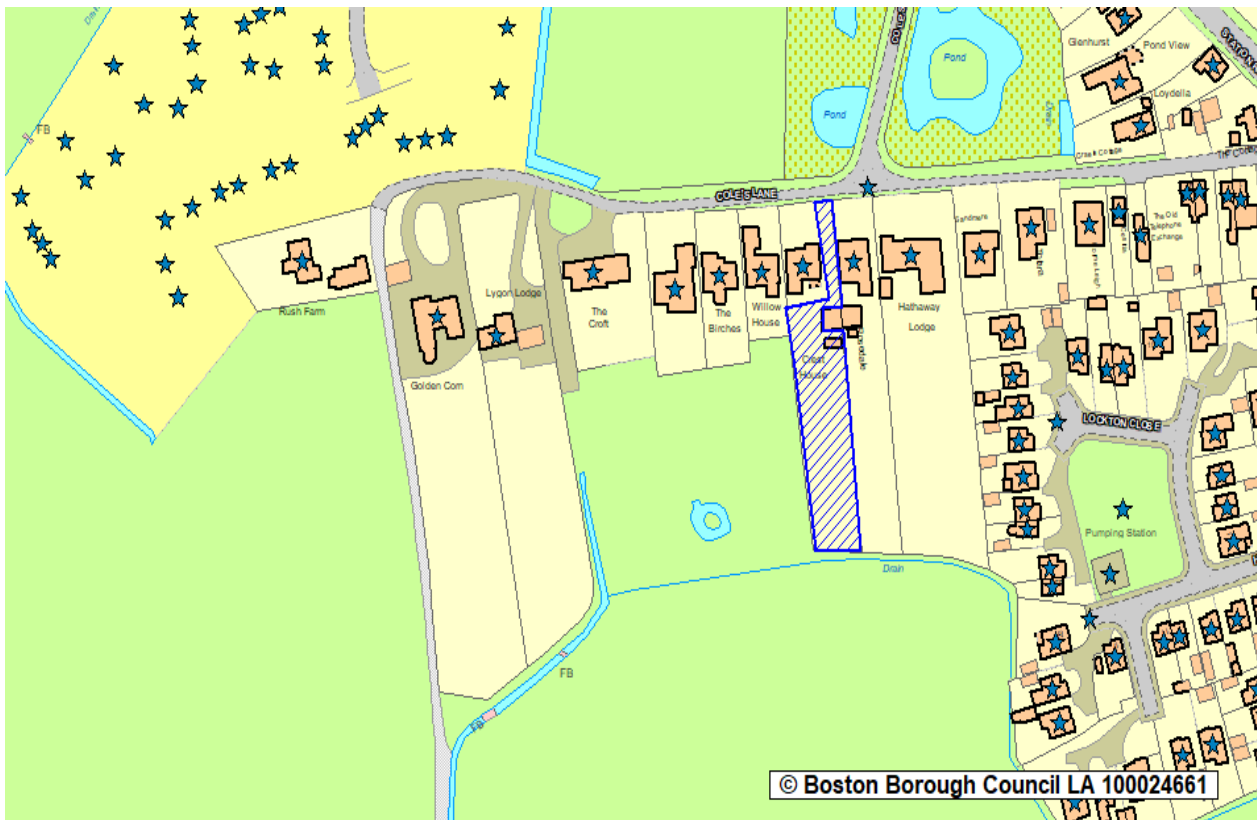


Figure 1: Aerial view to demonstrate the difference in the characteristics of the application site, the two properties gardens to the east and the area of land to the west which is currently under construction for 5 single storey dwellings. – Ordnance Survey 2020.

The proposal would create an unacceptable form of sub division of the plot and is not in keeping with surrounding development. When considering the properties to the east, there would be a fundamental and unacceptable impact on the character of the area. Furthermore, the loss of this space would limit the separation between the development to the east (existing limit of the village) and the new development to the west, thus increasing the general density of development on the edge of the village.

Finally, it is important to note that the development to the west and this proposal have to be viewed separately. As already stated, the nature, form and boundaries of the application sites are completely different to one another and, therefore, cannot be assessed in the same way. Whilst it could be argued this proposal would provide a one storey dwelling to match the form of development currently being constructed to the west, neither the proposal nor the site tie into the development to the west. If the proposal was to be served by the development to the west then it may have been viewed more favourably. The application, however, is completely separate from the proposal under construction and the application sites are completely different.

Albeit it there is development to the west, the test should be whether new development makes a positive contribution, and in this case, it is considered that it would not.

Overall, it is considered that the introduction of a new dwelling in this location would adversely impact upon the context and character of the area, thus being contrary to policies 2 & 3 of the SELLP and the principles of good design and sustainable development advocated by the NPPF.

### Impact on residential amenity

SELLP Policy 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include impact on the amenity of the site itself and neighbouring sites as well as the impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion. SELLP Policy 3 states that development proposals will demonstrate how residential amenity will be secured.

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Given the application is in outline form seeking the principle of development, a full assessment regarding the design, height and scale of the dwelling can only take place when all details are known i.e. at the reserved matters stage. Nevertheless, it is noted on the indicative site plan that the development could be accommodated on site.

One can, therefore, only go off the information they have to make an informed decision regarding the impact on residential amenity.

The fact the development is proposed to be one storey rather than two does help to slightly offset potential concerns regarding residential amenity, however, there are other fundamental concerns.

The proposal would have an adverse effect on the amenities of both Crest House and Rosedale as a result of use of the indicated access/ driveway arrangements. The fact the proposed dwelling is sited behind Crest House means the access would run between the two properties. In turn, this would give rise to conditions that would be detrimental to those properties amenities, as the vehicles would be going between the two properties which will create noise and disturbance.

Beyond the driveway issues, there is then the fundamental consideration of the dwelling itself. The application site is essentially the garden of Crest House. Even with the proposal being single storey in nature, it is almost certain there will be overlooking issues with Crest House. In addition, the proposal will have significant amenity issues on Rosedale in terms of both noise and visual.

The application is outline with access to be considered with all other matters reserved, therefore, only so much can be discussed when considering the design and layout. One aspect which can be considered and would be a concern regardless of how they are designed are boundary treatments.

With this form of development, boundary treatments are going to be an essential aspect of trying to ensure as much residential amenity can be protected as possible. Whilst the site plan is only indicative, it shows a 1.8 metre fence as a potential boundary treatment. This would have a detrimental impact on the character of Crest House and the properties to the east as it would be out of keeping. It is also difficult to envisage how screening and boundary treatments could be implemented effectively whilst maintaining good design and being in keeping with the character of the properties to the east. This, therefore, is another concern that the proposal presents.

It is therefore considered that the proposal would be contrary to policies 2 & 3 of the SELLP and the principles of sustainable development advocated by the NPPF.

#### Flood risk and drainage

Policy 4 of the SELLP state a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, the proposed works are essential infrastructure, and appropriate flood mitigation measures have been put in place. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.

The application site is predominantly in Flood Zone 1, with only approximately 2 metres of the southern boundary within Flood Zone 2.

The Design and Access Statement states foul drainage will be achieved through a mains connection to Coles Lane. Furthermore, the applicant highlighted a number of options for disposing of surface water should permission be granted.

It is deemed the proposal would not increase the flood risk in the area or have an adverse effect on surface water.

#### **CONCLUSION:**

With an application like this, it is important to consider the planning balance.

The application site is within the settlement boundary for Swineshead and has development to the north and west. The principle of development, therefore, is acceptable subject to the objectives of the relevant policies in the SELLP as identified being met.

The proposed access for the site would be safe and not create unacceptable traffic levels that would harm highway safety. Furthermore, the indicative site plan shows the site could accommodate the required parking spaces, whilst there is enough room for vehicles to manoeuvre and turn around so they do not have to reverse onto the public highway.

That being said, it is the Council's view that there are significant concerns regarding this proposal which make it an unfavourable application.

Firstly, the impacts on residential amenity would be substantial with the access going between Crest House and Rosedale, in addition to the increased noise and visual disturbance that would result from this proposal.

Whilst it is acknowledged the development under construction to the west is a consideration for this application, there are clear distinctions between the proposals. Mainly, the application sites in their nature, size and boundaries are completely different and, therefore, have to be assessed differently. In addition, the site does not tie in to the development to the west and is, therefore, completely separate.



Finally, the application site comprises the garden of Crest House. The garden is off the same nature of Rosedale and Hathaway Lodge to the east as it is long and set back. Any form of development would create an unacceptable sub division of the plot and it would not be in keeping with the dwellings to the east. The proposal would, therefore, have a detrimental impact on the character of the area.

The proposal, therefore, does not comply with local and national policy and does not meet the sustainable development considerations.

It is also worth noting as of the 31<sup>st</sup> March 2020, the Council could demonstrate a 5.2 year housing land supply, therefore, the policies can be given full weight when considering the proposal.

**RECOMMENDATION:**  
REFUSE

| CONDITIONS / REASONS  |  |                                     |  |
|---|--|-------------------------------------|--|
| Pre-commencement conditions?  |  | Agreed with applicant/agent - Date: |  |
| <p>The proposed dwelling, by reason of its position and the characteristics of the site, would result in an unacceptable form of backland development. The tandem arrangement of dwellings (between the host property and the new dwelling) that would result would detract from the established spatial pattern of development, and the resultant development would therefore be at odds with the established character and would further diminish it in an unacceptable way. Furthermore, it would increase the apparent density of development at the expense of garden space, and would have an adverse effect on the amenities of Crest House and Rosedale as a result of the use of the indicated access/driveway arrangements. As such the development would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 of the National Planning Policy Framework which seeks to secure a high standard of design that is sympathetic to the character of an area.</p> <p>Refused Plans</p> <ul style="list-style-type: none"> <li>• Plan Ref 2 – Location Plan</li> <li>• Plan Ref 3 – Existing Block Plan</li> <li>• Plan Ref 1 – Proposed Block Plan (Indicative only)</li> </ul> |  |                                     |  |
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**INFORMATIVES / NOTES  
TO BE INCLUDED ON/WITH DECISION NOTICE**

**STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

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