

Development Management Delegated Decision Report

B/21/0076



SUMMARY OF APPLICATION

Application Reference	B/21/0076		
Application Type	Full Planning Permission		
Proposal	Proposed alterations to existing dwelling to form 2 no. dwellings		
Location	11, Fydell Crescent, Boston, PE21 8SS		
Applicant	Miss D Darlington, Shilton Property Development Ltd C/O Neil Dowlman Architecture		
Agent	Mr Neil Dowlman, Neil Dowlman Architecture Ltd		
Received Date:	22-Feb-2021	Consultation Expiry Date:	16-Mar-2021
Valid Date:	22-Feb-2021	Statutory Expiry Date:	19-Apr-2021
Date of Site Visit:	02-Mar-2021	Extension of Time Date:	----
Objections received?	No		
5 day notification record:	Not applicable		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Full Planning Permission		
Report by:	Grant Fixter		
Date:	06/04/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises a detached dwelling and its associated curtilage off Fydell Crescent. As per the South East Lincolnshire Local Plan, the site is within Boston's settlement boundary and town centre boundary. The site is bound by residential development to the north, east and west, with Boston Pioneers Free School Academy to the south.

DETAILS OF PROPOSAL:

Full planning permission is sought for the conversion and sub-division of 11 Fydell Crescent, a detached two storey property, to comprise a pair semi-detached dwellings.

Each dwelling will have their own rear amenity space, with external changes to the building limited to minor amendments to fenestration and a single storey rear extension. The rear extension will use materials matching those existing.

Originally, the proposal included revised access and parking arrangements. This would have seen the proposal accessed to the rear off Paddock Grove, with each dwelling having two parking spaces to the rear of the properties. Whilst the parking provision was clearly done to



comply with requirements in the SELLP, such arrangements would have been detrimental to surrounding users' amenity, in addition to the character of the area.

This was raised with the agent and suggested this element of the proposal is removed and justification is submitted for a scheme with no parking provision, given the town centre location of the site.

The advice was subsequently adhered too and amended plans were submitted. Full details of the submission are shown on the following plans:

- B/3496-1002 - Site Location Plan & Existing Block Plan;
- B/3496-3002 Rev C - Proposed Block Plan;
- B/3496-3001 Proposed Plans, Elevations & Sections.

RELEVANT HISTORY:

There is no relevant planning history.

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 4 – Approach to Flood Risk;
- Policy 5 – Meeting Physical Infrastructure and Service Needs;
- Policy 10 – Meeting Assessed Housing Needs;
- Policy 11 – Distribution of New Housing;
- Policy 17 – Providing a Mix of Housing;
- Policy 21 – Houses in Multiple Occupation and the Sub-Division of Dwellings;
- Policy 24 – The Retail Hierarchy;
- Policy 25 – Supporting the Vitality and Viability of Boston and Spalding Town Centres;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy;
- 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 7: Ensuring the vitality of town centres;
- 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.

CONSULTATION RESPONSES:

Environment Agency

Do not object and made the following comments:

The site is at risk from tidal breaching but since the installation of the barrier it is accepted that the breach depths referred to in the FRA may be over precautionary. Therefore, it is accepted that whilst flooding could still occur, the mitigation proposed in the FRA submitted with the planning application is considered sufficient to prevent risk to life.

The proposed development will meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Shilton Properties, and the following mitigation measures detailed within the FRA:

- *Demountable defences/flood doors to be provided to a height of 600mm to cover all ground floor doors;*
- *Electrical sockets located 600mm above existing floor level;*
- *2 No. Two storey developments with bedrooms at first floor level (6.85m AOD).*

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: *To reduce the risk of flooding to the proposed development and future occupants*

Black Sluice Internal Drainage Board

Did not respond.

Lincolnshire County Council

On 24/02/21 had no objections and made the following comments:

“For this proposal the existing garage which is accessed from Paddock Grove would be demolished and off street parking and turning provided for 4 cars via this existing access. It is considered that the proposals would not result in an unacceptable impact on highway safety.”

The parking and access arrangements were amended meaning access and parking would no longer be achieved from Paddock Drove, in addition to the scheme having no parking provision.

The Local Highway Authority were re-consulted on those grounds and again, did not object and made the following comments on 30/03/21:

“We would not have any objections to this revised proposal. NPPF (para 109) only permits unacceptable impact on highway safety and/or severe impact to be reasons for refusal on highway grounds. No parking provision in this location for 2 dwellings would not constitute an unacceptable impact on safety, many nearby properties are similarly served and the increase in number of units from the proposal is very small.”

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key considerations in regard to this application are set out below:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Highway safety and parking;
- Flood risk;
- Policy 21: Houses in Multiple Occupation and the Sub-Division of Dwellings.

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.

As shown on ‘Inset Map 1 – Boston’ of the SELLP, the site is located within the settlement boundary for Boston which is identified as a Sub-Regional Centre. The SELLP indicates that development will be permitted in such settlements where it supports their roles as Sub-Regional Centres.

Policy 21 of the SELLP relates to the sub-division of dwellings and this has its own section later in the evaluation section of the report.

The site is within the town centre of Boston, with Policy 24 of the SELLP confirming the town centre of Boston will be the locational focus for town centre uses and that planning permission will be granted for residential development and other commercial uses.

Policy 25 of the SELLP indicates town centres will be the primary destinations for retail and other appropriate uses. This includes supporting the redevelopment of land within the town centre boundary.

The proposal is for the sub-division of a detached dwelling to comprise a pair of semi-detached dwellings within the settlement boundary. The proposal, therefore, would make a limited but positive contribution to housing supply, in addition to being a suitable use of the land in accordance with policies 1, 24 and 25 of the SELLP.

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 the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission 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 as well as the quality of its design and orientation.

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

The proposal is for the sub-division of a detached two storey dwelling to form a pair of semi-detached dwellings. The conversion to semi-detached dwellings will be of no detriment to the character of the area, as surrounding residential development predominantly comprises semi-detached properties. The proposal is, therefore, acceptable in this respect.

A minor single storey rear extension is proposed which will serve unit 1 as shown on the submitted plans. The proposed extension will not extend beyond the northern extent of unit 2 as shown on the plans and the materials used will match those existing.

The boundary treatments and the extent of private amenity space to the rear are in keeping with the surrounding development.

The proposal, therefore, complies with policies 2 and 3 of the SELLP in respect of the character of the area.

Impact on residential amenity

SELLP Policies 2, 3 and 30 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

Firstly, parking provision and access were originally proposed off Paddock Drive to the rear of the properties. This would have been detrimental to surrounding users amenity through the increase in vehicle movements, parking and manoeuvring in such close proximity to a number of properties, in addition to the parking being immediately adjacent to a number of surrounding gardens, in some instances half way along their gardens.

Furthermore, such provision would have left future occupiers of this proposal with a significantly reduced amount of amenity space when compared with surrounding users.

The revised scheme, however, no longer poses these issues as the parking element of the proposal has been removed.

From review of the submission, this proposal would not lead to a net increase in fenestration, meaning the extent of outlook, privacy and overlooking will not be increased. Furthermore, the plans show both units would receive an appropriate amount of natural light through the existing and proposed fenestration, so the amenity levels for future occupiers will not be negatively impacted.

The proposed single storey rear extension is minor and will not lead to a loss of amenity.

The proposal, therefore, complies with policies 2, 3 and 30 of the SELLP in respect of amenity.

Highway safety and parking

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 order to be policy compliant, the proposal should provide two parking spaces for each unit, equating to 4 spaces. Such provision was provided on the original plans, however, concerns around amenity and character of the area meant the provision was removed at the officer's request.

Ordinarily, a residential scheme would not be supported if it could not supply adequate parking provision in accordance with policy. This proposal, however, is within the town centre boundary of Boston, a Sub-Regional Centre with good transport links. It could be argued that the dependency on a vehicle is, therefore, reduced.

Furthermore, as Highways indicate, parking along this street is somewhat sporadic and there is no uniform parking arrangement for most surrounding dwellings. There are also numerous car parks within the vicinity of the site should future users own a vehicle.

When considering the planning balance, the location of the site, the impacts the required parking provision would have on amenity and the fact Highways have no pressing concerns, on this occasion a lack of parking is deemed acceptable.

It must be expressed this is only site specific and will not set a precedent for future decisions, as each application must be assessed on its own merits.

Flood risk

Policy 4 of the SELLP states 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, that it is essential infrastructure in FZ3a & FZ3b, it is highly vulnerable development in FZ2 or is more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk. Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

The application site is within Flood Zone 3 and a Flood Risk Assessment forms part of this submission which outlines a number of mitigation measures that should be included in the design of the proposal. The mitigation measures will be secured through a planning condition.

The proposal will be safe for its lifetime from flooding and will not increase flood risk elsewhere.

Policy 21: Houses in Multiple Occupation and the Sub-Division of Dwellings

This policy specifically relates to applications such as this, as the proposal involves the sub-division of a detached two storey dwelling to comprise a pair of semi-detached properties. The policy has 8 criteria and the proposal is assessed against each below:

“1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;”

Whilst the proposal involves the conversion of a four bedroom detached dwelling in a street of predominantly semi-detached properties, the proposal will provide two spacious two bedroom dwellings and on balance, is deemed acceptable.

“2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;”

It has already been demonstrated that the proposal will not be of detriment to the amenity of surrounding users. The proposal, therefore, complies with this criteria.

“3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;”

It has already been demonstrated that the proposal will not be of detriment to the character of the area and the site is not historic merit. The proposal, therefore, complies with this criteria.

“4. adequate provision is made for the storage and disposal of refuse and recycling;”

There is ample space to the frontage of the properties for such arrangements. The proposal, therefore, complies with this criteria.

“5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;”

As outlined above, the proposal does not comply with the parking requirements outlined in the SELLP, however, given the town centre location and the lack of a uniform parking arrangement for surrounding properties, on balance, this was deemed acceptable. Highways have also confirmed the proposal is acceptable on highway safety grounds. The proposal, therefore, complies with this criteria.

“6. the site has good access – by walking and cycling – to community facilities, services, public transport and local employment;”

The site is within the town centre boundary of Boston which is deemed a Sub-Regional Centre. Access to such facilities and services are easily accessible by walking and/ or cycling. The proposal, therefore, complies with this criteria.

“7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and”

It has already been demonstrated that the proposal will not be of detriment to the amenity of future occupiers and the proposal would constitute an adequate standard of accommodation. The proposal, therefore, complies with this criteria.

“8. adequate provision is made for the communal gardens and amenity areas.”

It has already been demonstrated that the proposal will not be of detriment to the amenity future occupiers as the proposal ensures provision of adequate private amenity spaces to the rear of each property. The proposal, therefore, complies with this criteria.

Therefore, it is considered that on balance the criteria set out in Policy 21 of the SELLP has been satisfied. As such taking the floorspace into account the two dwellings satisfy the space standards set out in the Technical housing standards – nationally described space standard.

In all the proposed sub-division to form two dwellings accords with SELLP Policy 21.

CONCLUSION:

The application site is within the settlement boundary and town centre boundary for Boston. The proposed sub-division of a detached dwelling to form a pair of semi-detached dwellings is an appropriate use of the site when considering surrounding development and the requirements of policies 1, 21, 24 and 25 of the SELLP.

The proposal will not be of detriment to the character and amenity of the area, whilst it has been proven the proposal will be safe from flooding.

Whilst the proposal is not policy compliant on parking grounds, when considering the planning balance, the location of the site, the impacts the required parking provision would have on amenity and the fact Highways have no pressing concerns, on this occasion a lack of parking is deemed acceptable.

The proposal, therefore, complies with both local and national policy. Accordingly, it is recommended to grant planning permission subject to conditions.

RECOMMENDATION:

GRANT Full Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	The development hereby permitted shall be begun before the expiration of four years from the date of this permission. Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2	<p>The development hereby permitted shall be carried out in strict accordance with the application received on 22/02/2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> • B/3496-1002 - Site Location Plan & Existing Block Plan; • B/3496-3002 Rev C - Proposed Block Plan; • B/3496-3001 Proposed Plans, Elevations & Sections. <p>Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).</p>
3	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Shilton Properties, and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> • Demountable defences/flood doors to be provided to a height of 600mm to cover all ground floor doors; • Electrical sockets located 600mm above existing floor level; • 2 No.Two storey developments with bedrooms at first floor level (6.85m AOD). <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants, in addition to providing the appropriate level of protection in accordance with the National Planning Policy Framework and Policies 2 and 4 of the South East Lincolnshire Plan (2011- 2036).</p>
4	<p>The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p> <p>A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.</p> <p>Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p>

Environment Agency informatives:

Due to the potential flood risk at this site, it is advised that occupants to sign up to the Environment Agency Flood Warning Service.

Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).

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.