

Development Management Delegated Decision Report

B/21/0197



SUMMARY OF APPLICATION

| | | | |
|----------------------------|---|--|----------------|
| | | | |
| Application Reference | B/21/0197 | | |
| Application Type | Full Planning Permission | | |
| Proposal | Proposed demolition of existing outbuildings and construction of new detached dwelling and garage including change of use of agricultural land to proposed domestic curtilage | | |
| Location | Land at Chapel Road, Old Leake, Boston PE22 9PP | | |
| | | | |
| Applicant | Mr & Mrs S Mackay | | |
| Agent | Mr Adrian Fox, AF Architecture | | |
| | | | |
| Received Date: | 22-Apr-2021 | Consultation Expiry Date: | 26-May-2021 |
| Valid Date: | 22-Apr-2021 | Statutory Expiry Date: | 17-Jun-2021 |
| Date of Site Visit: | 05-May-2021 | Extension of Time Date: | 30-Jul-2021 |
| | | | |
| Objections received? | Yes | | |
| 5 day notification record: | | | |
| Councillors notified | Date | Response received – date | Ok to continue |
| Cllr T Ashton | 19/07/21 | No response received – 27/07/21 | Ok |
| Cllr F Pickett | 19/07/21 | Happy with the recommendation – 21/07/21 | Ok |
| | | | |
| | | | |
| Recommendation | GRANT Full Planning Permission | | |
| | | | |
| Report by: | Grant Fixter | | |
| Date: | 27/07/2021 | | |
| | | | |

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises a parcel of grassland with a number of outbuildings on land off Chapel Road, Old Leake. The South East Lincolnshire Local Plan shows the majority of the land to be within the settlement boundary of Leake Commonsides, with the part of the rear of the site within the countryside. The site is bound by a drain to the north, Chapel Road to the west and agricultural land to the south and west. There is residential development to the north, east and south, with agricultural land to the west.

DETAILS OF PROPOSAL:

This proposal seeks full planning permission for the erection of one two storey detached dwelling.



There were some concerns with the original proposal which were raised by the officer. The proposal was originally over 9m in height, in addition to the raising the land by 0.5m. It was noted the presence of single storey dwellings to the north and south of the site and the original height would have been inappropriate, negatively impacting the street scene. The three storey element of the scheme was deemed inappropriate, in addition to the overall scale of the build.

As such, amended plans were submitted which include:

- Approximately a 14% decrease in the overall footprint of the build;
- The second floor element being removed;
- Width and depth of the build being reduced;
- Height reduced by almost 1.5m.

When considering the changes and the fact there is an extant permission for two dwellings on site, the above was deemed an acceptable compromise.

The materials used for the windows and bricks were not confirmed, but it is proposed the roofing will comprise of flat black interlocking tiles.

Full details of the scheme are shown on the following plans:

- 21-198-EX-01 A Existing OS Location and Block Plans;
- 21/198/Pr – 01 Rev A Proposed Block Plan;
- 21/198/Pr – 02 Rev C Proposed Site Plan;
- 21/198/Pr – 03 Rev B Proposed Floor Plans;
- 21/198/Pr – 04 Rev A Proposed Sections and Roof Plans;
- 21/198/Pr – 05 Rev B Proposed Elevations;
- 21/198/Pr – 06 Proposed Garage.

RELEVANT HISTORY:

- B/19/0239 - Outline application with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for later approval for residential development of up to 2 dwellings, following demolition of existing agricultural buildings – Approved on 04/10/2019.

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 Requirements;
- Policy 11: Distribution of New Housing;
- Policy 17: Providing a Mix of Housing;

- Policy 28: The Natural Environment;
- 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 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.

CONSULTATION RESPONSES:

Witham Fourth IDB

Have no objections and made the following comments:

- Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution (SWDC) will be charged on all rates of discharges;
- Board's consent is required to discharge treated water to a watercourse (open or piped);
- Board's Section 23 consent is required to culvert, pipe or bridge the watercourse;
- If there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.

Old Leake Parish Council

Object to the application on the following grounds:

- *"Much larger development of a single house as opposed to two three bed properties as originally granted;*
- *The visual impact of the property although nice design will tower above properties either side and as they are using the roof space for 5th bedroom this ridge height is in excess of 9 metres, normal ridge height is around 7.5m;*
- *The building extends into an area outside of the village plan building line onto agricultural land, although previous application did encroach a little onto this, the current application far exceeds original application;*
- *The garage is to be used as temporary accommodation during construction, place a condition that is exactly what it is and if at a later date should it be required as living space planning has to be applied for;*
- *Whilst aesthetically an improvement on current derelict farm storage units, this is out of keeping with the rest of the properties on Chapel Road due to its scale."*

Environmental Health

Have no objections and made the following comment on 28/04:

“There are however what appears to be a number of agricultural type buildings on the site and the history of the site is unknown in terms of its former uses. I would therefore request that if this application is granted then the standard set of contaminated land conditions are attached.”

A Ground Contamination Investigation and Phase 1 desk study was subsequently prepared and submitted, with Environmental Health providing further comments on 19/07 confirming only the unforeseen contamination condition is required.

Lincolnshire County Council

Have no objections and made the following request:

“Please can you condition that the proposed gates to the new dwelling on Chapel Road are to be set back 5.0 metres from the nearside carriageway edge to ensure calling vehicles can manoeuvre off the highway without causing an obstruction to other highway users when opening the gates in the interests of highway safety.”

THIRD PARTY REPRESENTATIONS RECEIVED:

As a result of the publicity, one third representation has been received in the form of comments, requesting the provision of swift nest bricks.

EVALUATION:

The key considerations in respect of this proposal are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Flood risk;
- Impact on the natural environment;
- Highway safety and parking.

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 No 53 Leake Commonsides, the application site is predominantly within the settlement boundary, with the rear of the site protruding into the countryside. In this instance,

as the vast majority of the site is within the settlement boundary, the land within the countryside is private amenity space and access is achieved from within the settlement boundary. As such greater weight is placed on the site being within the settlement boundary.

Furthermore, should the residential curtilage have resulted in a large erosion of the countryside then the proposal would not have been acceptable. The parcel of land can also be deemed as infill, which means the proposal is policy compliant in terms of suitable development in settlements such as this.

The provision of one dwelling will make a small but positive contribution in maintaining the Council's 5 year land supply.

The principle of development is, therefore, deemed acceptable subject to meeting other relevant policy requirements.

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.

Paragraph 127 of the NPPF states that developments should add to the overall quality of the area, not just for the short term but over the lifetime of the development, be visually attractive and sympathetic to local character with a high standard of amenity for existing and future users.

Paragraph 130 of the NPPF advocates that where a development is a poor design that fails to take the opportunities available to improve the character and quality of an area planning permission should be refused.

The first consideration is the form of development and how this has the potential to impact the character of the area. The application site is predominantly within the settlement boundary of Leake Commonside, with a small section of the rear curtilage protruding into land deemed countryside. With the SELLP confirming proposals in such settlements will be limited to committed sites and infill, with this site being deemed infill by virtue of residential development immediately to the north and south, the form of development is considered acceptable.

It has been ensured that an appropriate physical boundary treatment has been provided between the site and immediately adjacent agricultural land, as the further erosion of agricultural land would not be acceptable.

Turning to the design of the development, no full details on materials have been submitted and as such, these will be secured through planning condition.

The application has been subject to lengthy discussions between the agent and officer to ensure an appropriate scheme is achieved. The original proposal was not deemed acceptable by virtue

of its scale and massing in context with surrounding development, as such, revised plans were submitted which made the following changes:

- Approximately a 14% decrease in the overall footprint of the build;
- The second floor element being removed;
- Width and depth of the build being reduced;
- Height reduced by almost 1.5m.

The proposed dwelling now measures 4.73m to the eaves and 7.61m to the ridge, which is more in keeping with nearby two storey dwellings.

It is also important to give weight to the fact there is an extant permission for two dwellings on the site, so when considering this and the above changes, the revised scheme was deemed acceptable.

Whilst, admittedly, the footprint of the build will be slightly larger than nearby two storey dwellings, the reductions in height and footprint have reduced any potential impacts the first submission would have given rise to.

The dwelling is an appropriate size and scale, meaning the development will neither look cramped, nor detract from the street scene.

The main issues to overcome with character of the area is the design of the elevations. By virtue of the site being within Flood Zone 3, the floor level has to be raised to ensure a flood proof design is achieved. If not designed effectively, the extent of brickwork from cill height to floor level can appear incongruous and achieve a poor design. The gradual raising of the land is deemed acceptable in this instance.

Finally, as outlined in the supporting information, the applicant is intending to reside in the garage during the construction of the build. Following discussions with the Senior Enforcement Officer, this in itself requires planning permission as garages are to be used for purposes incidental to the enjoyment of the dwelling. Residing in the garage, therefore, is not purposes incidental to the dwelling and at the time of residing, there would be no dwelling for the garage to be used in connection with.

Given this was highlighted in the supporting information, both the officer and enforcement are happy for a condition to be attached which provides a time for when the residential use of the garage must cease and then be used for purposes incidental to the dwelling.

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

Impact on residential amenity

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

The dwelling is of a scale where they will not be overbearing or overshadowing on any adjacent properties, in addition to not negatively impacting on surrounding users outlooks.

Whilst raising of the land is involved, in this instance it is deemed the raising of the land will not be of detriment to amenity.

The vehicle movements associated with one dwelling will not lead to an unacceptable impact on neighbouring amenity.

Finally, there are no concerns regarding the amenity of future occupiers, as from review of the plans there is ample private amenity space.

It is considered that the proposal complies with policies 2 & 3 of the SELLP in respect of residential amenity.

Flood risk

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 in in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk, 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 within Flood Zone 3 and a Flood Risk Assessment forms part of this submission which outlines the finished floor level should be raised by 0.5m above the existing ground level, the same which was deemed acceptable for the extant permission. From the submitted plans, this has been adhered to.

Whilst the raising of the land should ordinarily be avoided to achieve the required FFL, from review of the plans the site naturally slopes and increases in height already. Upon submission of a thorough surface and foul water drainage strategy which will be secured through planning condition, it is deemed the proposal would not increase the flood risk in the area or have an adverse effect on surface water.

Impact on the natural environment

Policy 28 of the SELLP requires development proposals to protect, enhance or manage natural assets. All proposals are required to provide an overall net gain in biodiversity.

It is both a national and local requirement for new development proposals to achieve a net gain in biodiversity levels. From review of the submission, an Ecology Survey accompanies the submission, with the Site Plan showing planting will use native species. There are, however, no details on the other recommendations outlined in the Ecology Survey such as the provision of bat roosting units and bird boxes. It is deemed appropriate to seek such provisions through a planning condition.

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.

The Local Highway Authority do not object to the scheme, appropriate parking provision can be provided and vehicles can enter and leave the site in a forward gear. It is not considered the traffic that may be generated from three dwellings will harm highway safety.

The proposal is, therefore, acceptable on highway safety and parking grounds.

CONCLUSION:

When considering the planning balance for this application, the main consideration is the residential use of the site.

The application site is predominantly within the settlement boundary for Leake Commonside which is allocated as an Other Service Centre and Settlement in the South east Lincolnshire Local Plan. The SELLP confirms development within the settlement boundaries of such settlements will normally be limited to committed sites and infill.

The application constitutes infill development, is within the settlement boundary and has an extant permission for two dwellings.

The site is suitable for residential development and the primary issues in the determination of the application have been fully assessed and found to be acceptable or would be acceptable subject to the imposition of the conditions recommended.

The principle of development is acceptable and the proposal complies with both local and national policy. The proposal is, therefore, deemed acceptable.

It is therefore recommended that the application is supported.

RECOMMENDATION:

To GRANT planning permission subject to the following conditions and reasons:

| 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 | The development hereby permitted shall be carried out in strict accordance with the application received on 22/04/2021 and in accordance with the associated plans referenced: ▪ 21-198-EX-01 A Existing OS Location and Block Plans; |

| | |
|---|--|
| | <ul style="list-style-type: none"> ▪ 21/198/Pr – 01 Rev A Proposed Block Plan; ▪ 21/198/Pr – 02 Rev C Proposed Site Plan; ▪ 21/198/Pr – 03 Rev B Proposed Floor Plans; ▪ 21/198/Pr – 04 Rev A Proposed Sections and Roof Plans; ▪ 21/198/Pr – 05 Rev B Proposed Elevations; ▪ 21/198/Pr – 06 Proposed Garage. <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) AF Architecture, March 2021 and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> ▪ Raise finished floor level of the new proposed dwelling 0.5m above ground to 2.5m AOD; ▪ Demountable flood barriers to a height of 600mm above finished floor levels shall be fitted on all external doorways; ▪ Flood resilient construction techniques shall be incorporated to a minimum height of 300mm above predicted flood depth. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place thereafter.</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>No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:</p> <ul style="list-style-type: none"> (i) separate systems for the disposal of foul and surface water; (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change); (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and (iv) details of how the scheme will be maintained and managed after completion. <p>The scheme shall be implemented in accordance with the duly approved details before the dwelling is first occupied, and shall be maintained and managed as such thereafter.</p> <p>Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policies 2 and 4 of the South East Lincolnshire Local Plan (2011- 2036).</p> |

| | |
|---|---|
| | |
| 5 | <p>No development shall take place above ground level until details regarding the inclusion of the enhancement measures as outlined in the approved Ecology and Protected Species Survey (Inspired Ecology Ltd, May 2021) have been submitted to and approved by the Local Planning Authority. The measures shall include:</p> <ul style="list-style-type: none"> ▪ Specification, location and number of a bat roosting unit; ▪ Specification, location and number of bird boxes; ▪ Timetable for implementation of the above measures. <p>The approved works shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of the natural environment in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 6 | <p>The development hereby approved shall be carried out in full accordance with the precautionary measures (including their timetable for implementation) detailed within the approved Ecology and Protected Species Survey (Inspired Ecology Ltd, May 2021) in regard to bats, birds, amphibians, reptiles, badgers, other ground mammals, water voles and removing Cotoneaster specimen from the site during the construction of the approved development.</p> <p>Reason: In the interests of the natural environment in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 7 | <p>If development has not commenced within 12 months of the date of this permission, prior to the commencement of development the building(s) shall be re-surveyed for the presence of protected species and if present, a scheme of mitigation shall be submitted to the Local Planning Authority for approval in writing. The development shall be undertaken in accordance with the scheme of mitigation.</p> <p>Reason: In the interests of protected species and to accord with the Wildlife and Countryside Act 1981 (as amended), the National Planning Policy Framework 2019 and Policy 28 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 8 | <p>No development shall take place above ground level until details of the design and materials proposed to be used for the external walls, windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the new building is in keeping with the character of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011- 2036).</p> |
| 9 | <p>The proposed gates to the new dwelling on Chapel Road are to be set back 5.0 metres from the nearside carriageway edge to ensure calling vehicles can manoeuvre off the highway without causing an obstruction to other highway users when opening the gates</p> <p>Reason: In the interests of highway safety in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p> |

| | |
|----|--|
| 10 | <p>The water consumption of the 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> |
| 11 | <p>Prior to the commencement of development above slab level, final details of measures that aim to reduce pollution and promote renewable and low carbon energy and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.</p> <p>Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2019).</p> |
| 12 | <p>The use of the garage to provide residential accommodation shall cease after a period of 12 months after which it shall only be used for purposes incidental to the enjoyment of the dwellinghouse hereby approved.</p> <p>Reason: To ensure that the garage is used for purposes incidental to the enjoyment of the dwelling and would not lead to an unacceptable form of permanent residential development that would detract from the character of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011- 2036).</p> |
| 13 | <p>If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).</p> |

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184

of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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.