

Development Management Delegated Decision Report

B/21/0303



SUMMARY OF APPLICATION			
Application Reference	B/21/0303		
Application Type	Approval of Reserved Matters		
Proposal	Application for approval of Reserved Matters inc Access, Appearance, Landscaping, Layout and Scale following outline approval B/20/0448 (Outline planning application for one dwelling with all matters reserved)		
Location	Land adj to Parsley Cottage, Drainside South, Kirton, Boston PE20 1PZ		
Applicant	Mr Tetther		
Agent	Mr Lee Chapman, LPC Architectural Design		
Received Date:	24-Jun-2021	Consultation Expiry Date:	03-Aug-2021
Valid Date:	24-Jun-2021	Statutory Expiry Date:	19-Aug-2021
Date of Site Visit:	16-Jul-2021	Extension of Time Date:	17-Sep-2021
Objections received?	Yes – Four.		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Cllr Welton	08-Sep-2021	None.	
Cllr Brown	08-Sep-2021	None.	
Cllr Watson	08-Sep-2021	10/9/21 – e-mail	Delegate to officers
Recommendation	Approve		
Report by:	Consultant Planning Officer		
Date:	06/09/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises an area of grassland located off Drainside South, Kirton. To the north is an IDB drain and fencing further north and to the east are residential properties.

Mature planting bounds the site along the southern boundary, beyond which is Drainside South and there is overgrown vegetation to the west.

DETAILS OF PROPOSAL:

Outline planning permission for one dwelling was granted under B/20/0448. This reserved matters application seeks to submit the detailed information regarding the provision of one dwelling at the site.



Concerns were raised about the initial proposal with regard to the proposed height and the relationship with the neighbouring properties, in terms visual impact and residential amenity. Amended plans have been submitted, reducing the overall height and amending the fenestration detail in the rear elevation in response. A second amendment has also been provided to further limit the potential for overlooking to the rear.

The site area also extended beyond the red line boundary approved under the outline application, this has also been corrected through the amended details.

The Environment Agency also objected initially to the proposed finished ground floor level, the amended proposal takes this into account. The EA were reconsulted and have since removed their objection.

The proposal now consists of a two storey detached dwelling with two forward projecting wings along the front elevation, creating a courtyard garden on which a garden room opens out onto.

The ground floor layout provides a hallway, toilet, utility room, storage area, central garden room and open living space. The open living space provides a living area, dining area and kitchen and the finished floor level is set at 1.8m. Steps are taken internally from the garden room up into the living space.

At first floor level the accommodation consists of three double bedrooms, one with dressing room and en-suite bathroom, a bathroom and study. The principal views from the dwelling are to the south and west overlooking open land. Windows in the rear elevation are limited to serve the landing area and en-suite bathroom. Rooflights are proposed in the rear elevation to provide additional light to the kitchen area.

The height above ground level to the eaves of the main two storey element is 5.2m and to the ridge is approximately 7.6m (9.720m AOD). The single storey attached element set down has an approximate ridge height of 6.4m.

RELEVANT HISTORY:

B/20/0448 - Outline planning application for one dwelling with all matters reserved (Access, Appearance, Landscaping, Layout and Scale) Approved 4th January 2021.

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 2 – Development Management
- Policy 3 – Design of New Development
- Policy 4 – Approach to Flood Risk
- Policy 30 – Pollution
- Policy 36 – Vehicle and Cycle Parking

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 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
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

CONSULTATION RESPONSES:

Environmental Health (13th July 2021):

Environmental Health have no objections to this application.

Black Sluice Internal Drainage Board (3rd August 2021):

Rainfall Runoff

It is understood from the documentation provided that surface water from the development is to be discharged into the open watercourse on the northern boundary. If this is the case, then the prior written consent of the Board is required.

Disposal of Foul or Dirty Water

It is understood that foul water from the development is to be discharged via a package or bio-treatment unit, with a proposed discharge into the open watercourse on the northern boundary. If this is the case, then as above, the prior written consent of the Board is required.

Discharge Outfalls

It is understood that both the proposed surface and treated water discharges are to be combined into a single outfall into the open watercourse on the northern boundary. If this is the case, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board will be required for any outfall headwall structures placed in the bank.

Access to Watercourses

There is both a surface water pipeline and open watercourse on the northern boundary of the site (the Kirton Drain). Both sections are maintained by the Board under the terms of the Land Drainage Act 1991. The land within which the open watercourse and piped structure lies is NOT owned by the Board. The Board is only responsible for the conveyance of the flow of water. The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the brink of the bank of the open watercourse or the lateral edge of the enclosing piped structure without the prior written consent of the Board. The Board notes that the applicant has complied with the 9 metre byelaw regarding the permanent dwelling structure, which is welcomed by the Board. However, the applicant is reminded that prior written consent will be required for any other structures, including planting, to be placed within the byelaw distance. This includes any fencing, sheds, greenhouses or anything that could be deemed an obstruction to the Board if access is required to the watercourse.

Filling in or Culverting Watercourses

It is understood that there may be an open section of watercourse along the southern boundary of the site parallel with the adjacent highway. If this is the case, and the applicant intends to place any structures, such as vehicle access culverts, within the watercourse, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required. This includes the replacement of any existing structures. The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, including those maintained by the Board, lies with the adjacent landowners unless proven otherwise in writing. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse.

Site Ground Levels

The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

Lincolnshire County Council Highways Authority and Lead Local Flood Authority (30th July 2021):

Does not wish to restrict the grant of permission.

Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

NO OBS Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted details are satisfactory and that the single dwelling would not be expected to have an unacceptable impact upon highway safety. Accordingly, the Authority does not wish to raise a highways objection to this planning application.

Environment Agency (27th July 2021):

Environment Agency advice: The submitted layout does not appear to comply with Condition 5 of the outline permission, which reads:

Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2020/Version 1/RM Associates and the following mitigation measures detailed within the FRA:

- The proposed dwelling to have non-habitable ground floors as stated in the FRA;
- Flood resilience and resistance measures to be incorporated into the proposed development as stated. We have reviewed the submitted plans and note the following:
 - The ground floor is not entirely limited to non-habitable uses
 - There is a living room and kitchen on the ground floor, albeit raised to 1.65 metres above ground level

- A garden room – not included in our usual definition of non-habitable - is shown at only 0.15m above ground level
- The first floor accommodation is at a safe level

We have reviewed potential flood depths at the site, as shown on our tidal hazard mapping, and determined a depth estimate of 1.8 metres over the lifetime of the development. To exclude floodwater, the minimum appropriate level for habitable accommodation is therefore 1.80 metres above ground. The submitted plans do not meet this standard, although the potential internal flood depths do not constitute a risk to life within the kitchen/living area. Please re-consult us if amended plans are submitted. Should the applicant apply to vary the condition, we would comment in line with the above advice.

Environment Agency (18th August 2021):

Thank you for consulting us on the amended plans received on the 06 August 2021.

Environment Agency position: We have no objection to the above application as submitted and recommend the imposition of a planning condition to secure the appropriate mitigation measures.

THIRD PARTY REPRESENTATIONS RECEIVED:

Four responses have been received from third parties. Issues raised include:

- Visual impact of the proposal
- Impact on neighbours including impact on privacy
- Impact on wildlife
- Amount of building in Kirton
- Flooding of the site and impact of flooding on neighbouring properties
- Retention of trees to the rear boundary which improve privacy for neighbouring properties
- Will there be a footpath along Drainside South outside the property provided?

EVALUATION:

The key considerations in the assessment of this reserved matters application are:

- Impact on the character and appearance of the area
- Residential amenity
- Highway safety and parking
- Flood risk

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 amended proposal has been reduced in height and the overall scale is considered acceptable, being considered to be coherent with the neighbouring two storey dwelling to the south east which is the only dwelling within the street scene that the proposal will be visible within the same local context as.

The proposal will be largely screened at ground floor level due to the retention of the established hedgerow along the southern boundary, which is considered important in integrating the proposal into the existing street scene.

The front elevation, whilst it appears different to traditional form, given the flood risk mitigation required, provides variation and detail given the roof design and the step down to the single storey element. The glazing is proportionate to the wider built form and provides balance.

The elevation that provides the main access will be visible to some degree when approaching from the west along Drainside South. The porch and window detail provides detail and breaks up the built form.

The proposal due to the balanced front elevation, set back from the road and the retention of the existing established hedgerow is considered to be acceptable in terms of its impact on the character and appearance of the area.

Residential amenity

Policy 2 and 3 of the SELLP seeks to ensure that new development does not have a significant impact on neighbouring land uses, including residential amenity.

Approximately 12m separation between the proposed built form and the northern boundary is retained due to the proposed siting of the dwelling. In addition the bungalows neighbouring the site to the rear benefit from rear garden depths of between 17m and 18.5m. In total therefore, the separation distance between rear elevations is approximately at least 29m. This is considered adequate separation between the two storey rear elevation of the proposal and the rear elevations of the single storey bungalows to the north, limiting issues of over dominance.

At the closest point the eastern elevation is located at least 8m from the south eastern boundary and approximately 24m from the northern elevation of the neighbouring property, Parsley Cottage.

Fenestration at first floor is limited in the rear elevation in any case to the stairwell window and an en-suite bathroom. Initially a window was located in the kitchen ground floor accommodation. However concerns were raised about this due to the kitchen having a finished floor level 1.8m above ground level (due to flood risk requirements).

The amended layout sees the kitchen window relocated to the side elevation and the provision of rooflights in the rear elevation to provide additional light. There is a separation distance of approximately 18m from the amended kitchen window and the rear boundary of neighbouring properties to the east and approximately 33m to the rear elevation. The key views from this window will therefore be of the garden area associated with the proposed dwelling.

Principal windows are located in the southern and western elevations which make the most of the open views across undeveloped land.

It is accepted there will be some impact, as there is when any new development is constructed next to existing residential areas, but it is considered on balance that due to the fenestration design and positioning and due to the separation distance maintained from the northern and eastern boundaries and the rear elevations of neighbouring properties the impact on residential amenities are limited to an acceptable degree, and this would not warrant refusal of the application.

Highway safety and parking

Policy 36 and Appendix 6 of the SELLP relate to vehicle and cycle parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms.

There is sufficient space identified for parking and turning within the application site and is well appointed to the west of the proposed garage. The highways authority have been consulted and have raised no objections. They have requested two informatives to be attached to the decision notice to guide the applicant and agent.

Flood risk

Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk and does not increase the risk of flooding elsewhere.

Initially the Environment Agency objected to the proposal, due to the finished floor level of habitable accommodation. This was amended in line with the flood risk assessment and the EA subsequently removed their objection. They have requested a condition to be attached to any permission granted. The condition has been amended to reflect the latest revision of the elevational drawing.

CONCLUSION:

The proposed dwelling is considered to sit appropriately within the site as well as the wider setting, adjacent to Parsley Cottage. The amended proposal whilst there be an impact on neighbouring properties, is not considered on balance to have a significant detrimental impact that would warrant refusal of the application. Sufficient separation distances are proposed. The proposal has been amended in line with the comments made by the EA in their initial objection and is now considered acceptable in flood risk terms. Sufficient turning and parking space is provided as part of the scheme.

RECOMMENDATION:

Approve subject to conditions

CONDITIONS / REASONS			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	

1	<p>The development hereby approved shall be carried out in accordance with the approved plans referenced:</p> <ul style="list-style-type: none"> • Site Location Plan – Drawing no. LPC-276-01 received 24th June 2021 • Proposed Site Plan – Drawing no. LPC-276-02 Rev F received 31st August 2021 • Proposed Elevations – Drawing no. LPC-276-04 Rev F received 31st August 2021 • Proposed Floor Layouts – Drawing no. LPC-276-03 Rev E received 31st August 2021 <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 2021.</p>
2	<p>The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment, RM Associates October 2020 V1, and drawing 'LPC-276-04-Elevations-Rev F detailing the following mitigation:</p> <ul style="list-style-type: none"> • Minimum two storey development with bedrooms at first floor level • All 'habitable' accommodation set no lower than 1.8m above ground level • Flood resilience and resistance measures to be incorporated into the proposed development as stated • Occupants to sign up to the Environment Agency Flood Warning Service <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. This condition is in accordance with the requirements of Policy 4 of the South East Lincolnshire Local Plan (2011-2036).</p>
3	<p>The existing hedge along the southern boundary of the site shall not be removed other than is necessary to facilitate the provision of the means of access to the site. In the event of the existing hedge being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority and maintained by the owners of the land for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.</p> <p>Reason: To ensure the protection of the existing hedge and in the interests of the visual amenity and the character of the area in which it is set having regard to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011- 2036).</p>
4	<p>No development shall take place until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details. The scheme shall include</p> <ol style="list-style-type: none"> a) boundary treatment b) hard surface materials c) minor structures d) planting schedules (species, sizes densities) e) existing trees to be retained/removed <p>Reason: In the interests of visual amenity and in accordance with Section 197 of the Town and Country Planning Act 1990 and in accordance with Policies 2 and 3 of the South East</p>

	Lincolnshire Local Plan 2011-2036.
5	<p>All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas, which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.</p> <p>Reason: In the interests of visual amenity and in accordance with Section 197 of the Town and Country Planning Act 1990 and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>
6	<p>No development above damp proof course shall take place until details of the materials proposed to be used in the construction of the external surfaces 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 building / area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

1. 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
2. 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. For further guidance please visit our website via the following links: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management> Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>
3. Please note the response from Black Sluice Internal Drainage Board received on the 3rd August 2021.
4. Please ensure that the conditions attached to the outline permission B/20/0448 are referred to and complied with before work commences.

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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

