

# Development Management Delegated Decision Report

B/22/0089



SUMMARY OF APPLICATION			
Application Reference	B/22/0089		
Application Type	Full Planning Permission		
Proposal	Demolition of existing dwelling and erection of 2no. new dwellings		
Location	15, Watery Lane, Butterwick, Boston, PE22 0HS		
Applicant	Mr P Fisher		
Agent	Mr Adrian Fox, AF Architecture		
Received Date:	02-Mar-2022	Consultation Expiry Date:	25-Mar-2022
Valid Date:	02-Mar-2022	Statutory Expiry Date:	27-Apr-2022
Date of Site Visit:	25-Mar-2022	Extension of Time Date:	24-May-2022
Objections received?	No		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
N/A	N/A	N/A	N/A
Recommendation	Approve with conditions		
Report by:	Charlie Parry		
Date:	20-May-2022		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The site to which the application relates is a detached residential bungalow located on Watery Lane in Butterwick. The site falls within the Butterwick settlement boundary but is adjacent to agricultural fields to the east and north. The dwelling is slightly raised with the drive having a slight incline from the main road. The front garden benefits from landscaping in the form of trees, bushes and flowers. The dwelling is built from brown brick and has a pitched slate roof with solar panels to the front. The garden benefits from a large rear garden that includes an outbuilding.

### DETAILS OF PROPOSAL:

Planning permission is sought for the demolition of the existing residential building and the erection of two dwellings in its place. The dwellings would be south facing and have shared access from the highway. Both of the dwellings will have 3 bedrooms and are detached.

Dwelling 1 is located on the western half of the site. Although the dwelling is not rectangular, the total width will be approximately 6.3m and the total length will be



approximately 15m. The eaves on the west elevation of this dwelling will stand at approximately 5.1m and on the east elevation they will stand at approximately 6m. The height to the ridge of the proposed dwelling will be approximately 8m.

Dwelling 2 is located on the eastern half of the site. Similarly, this dwelling is slightly staggered in design but the total width is approximately 7m and the total depth is approximately 15.2m. The eaves stand at approximately 5.3m and the ridge stands at approximately 8.1m.

## **RELEVANT HISTORY:**

### ***Application site***

B/15/0088 - Demolition of existing dwelling and erection of 2no. dwellings  
Granted: 22-Apr-2015

### ***Land to rear of 1a-15 Watery Lane***

B/16/0465 - Outline application for residential development (up to 42 dwellings) with all matters reserved for later consideration  
Granted: 15-Aug-2017

B/21/0196 - Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) Following Outline Approval B/16/0465 (Residential Development of up to 42 dwellings)  
Granted: 23-Jul-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 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 10 – Meeting Assessed Housing Requirements;
- Policy 28 – The Natural Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy; and
- 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 9 – Promoting sustainable transport;
- 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; and
- Section 15 – Conserving and enhancing the natural environment.

## **National Planning Practice Guidance (PPG)**

### **CONSULTATION RESPONSES:**

#### ***Environmental Health***

No objection, subject to the provision of an electric charging point being secured by a condition.

#### ***Environment Agency***

No objection, subject to a condition being attached to the decision notice.

#### ***Internal Drainage Board (IDB)***

No objection but have offered advice regarding Byelaws.

#### ***Lincolnshire County Council (Local Highway and Lead Local flood Authority)***

No objection, subject to informatives being attached to the decision notice.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

There has been a third party representation that has requested a condition that secures swift nesting bricks on the development. It should be noted this comment is not an objection.

### **EVALUATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regards to this application are considered to be:

- matters of principle;
- impact on the character and appearance of the area;
- impact on neighbours' amenity;
- flood risk;
- biodiversity;
- water use issues; and,
- highway safety/parking provision.

#### ***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 12 – Butterwick' of the SELLP, the site is located within the settlement boundary of Butterwick, which is deemed a Minor Service Centre. Development within Minor Service Centres will be supported, providing it supports their role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The proposed development will essentially result in one additional home in Butterwick. The provision of an additional dwelling would make a limited, but positive contribution to the housing supply. A residential use is already established on the site due to the existing dwelling. 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.

### ***Character and Appearance***

In accordance with policies 2 of the SELLP a development should be of an appropriate size, scale, layout to contribute positively to the character and appearance of the site/area. The quality of its design and orientation are also influencing factors on whether it is acceptable with this policy. Policy 3 furthers this by ensuring that development creates a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposed development would be visible from the publicly accessible areas of Watery Lane and therefore the dwellings should be sensitive to the character and appearance of the site. To the west of the site are residential properties, meaning that dwellings would be appropriate in this location. The immediately adjacent dwellings are bungalows, although further west there are some two storey residential properties. Therefore, the proposed dwellings are considered to be in keeping with the character and appearance of Watery Lane.

The proposed dwellings will be the first seen when travelling to Butterwick from the east via Watery Lane. The site is therefore a gateway site and development should be high quality and attractive.

Although the site currently accommodates one dwelling, it is not considered that two dwellings in this plot would look cramped due to an appropriate layout of the dwellings. The proposed dwellings would be separated by approximately 0.8m. Dwelling 1 is set away from the shared boundary with No. 13 Watery Lane by approximately 1.4m. The dwellings are considered to be well located on the site, ensuring sufficient access to the front and outdoor amenity space to the rear.

The proposed dwellings will be constructed in red/orange facing brick with clay pantiles to the roof and brick detailing to the eaves, verge and chimney stacks. The applicant also proposes timber porch structures over the main front entrances. The materials are considered to be suitable in terms of that they are in keeping with the surrounding area, are of good quality, provide an attractive view when entering the village and suitable to the dwellings.

On balance, it is considered that the proposed dwellings would not significantly detract from the character and appearance of the immediate area to such an extent that would sustain recommendation for refusal. The dwellings would fit comfortably within the plot without appearing cramped. The materials are suitable and in keeping with the area. Overall it would create a good gateway site. For these reasons and all others set out above the proposal is deemed to be in accordance with policies 2 and 3 of the SELLP.

### ***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. This section will assess the impact of the proposed development on neighbouring property No. 13 Watery Lane and on the dwellings themselves.

#### 13 Watery Lane

13 Watery lane is located to the west of the site and would be closest to dwelling 1. This neighbouring property is single storey and is set away from the shared boundary by approximately 2.6m. Dwelling 1 is set away from the shared boundary by approximately 1.4m, meaning that the total separation distance is approximately 3m.

Although relatively close to the neighbouring property the dwelling has been designed so the closest elevation is set lower than the other side to reduce the impact on light. In addition there are no windows on the first-floor of this elevation which reduces the risk of over-looking. Due to the layout of the site and this neighbouring property, dwelling 1 will be set behind the front building line of No. 13 Watery Lane meaning that it still largely benefits from sunlight from the south. This reduces the impact on the neighbouring property's residential amenity.

#### Proposed Dwellings

The proposed dwellings would be separated by a gap of approximately 1.8m, which means the east elevation of dwelling one and the west elevation of dwelling two will face each other. On dwelling one there is a window on the western elevation but it is on the ground floor and serves an entrance hall. The loss of light, outlook and privacy to this window is considered to be acceptable as it is not habitable room (i.e. bedroom, living room, etc.).

Dwelling two has three windows and a door on the western elevation that will face dwelling one. On the ground floor there is a window, which serves an entrance hall, there is a long window located centrally over the two floors, which serves the stairwell, and there is a window on the first floor which serves an en-suite bathroom. The stairwell and bathroom window are labelled as obscurely glazed in the plans and therefore there is no concern for a loss of privacy/overlooking, outlook or light to these two. A condition should be attached that addresses the glazing level, that they are fixed shut and will be maintained following the grant of permission. Similarly to the above, the entrance hall is a non-habitable room and therefore any loss of light, outlook and privacy to this window is considered to be acceptable.

In conclusion, it is considered that there would not be an adverse on residential amenity in terms of loss of light, outlook or residential amenity. A condition should be attached restricting construction/demolition hours. The proposal therefore accords with policies 2 and 3 of the SELLP and the NPPF.

## ***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. 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 located within flood zone 3 and has a hazard rating of danger for most.

The application is supported by a Flood Risk Assessment, which sets out a number of mitigation measures that should be included in the design of the proposal. Section 4.1.6 of the document specifically refers to this and includes: the properties being two-storey, finished floor levels being at least 1m above the existing ground floor level, flood resilient construction incorporated to a minimum height of 300mm above the predicted flood level and demountable defences to a height of 600mm. The measures are considered acceptable, which is reinforced by the Environment Agency's comments. The Environment Agency requested that a condition ensuring that the development is carried out in accordance with the Flood Risk Assessment and in particular section 4.1.6.

The Flood Risk Assessment also sets out ways to accommodate foul drainage and surface run off. The properties will make use of the existing sewage system for foul sewage. The surface water will be piped in to the nearest open watercourse or riparian ditch or disposed by soakaways. This is considered to be acceptable and the EA have raised no objections. A condition should however be attached that ensures a drainage strategy is submitted and discharged prior to the commencement of works.

The sequential assessment/exception test in the Flood risk Assessment is accepted and it is considered the proposed development is acceptable in its current location. On balance, development is considered acceptable in its current location.

## ***Biodiversity***

Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

The proposed development would result in a loss of some landscaping to the front. This will be replaced with some landscaping to provide a screen from the road. This is considered acceptable and appropriate to the development. The gardens to the rear will remain as existing with some landscaping in place. A third party representation has been received that requests a condition that secures swift nesting bricks on the development. The comment is noted and is an example of a measure that the applicant could use to secure net gain in biodiversity. It is therefore recommended that a condition is attached to ensure biodiversity enhancement measures are secured across the site. Subject to this condition being attached, it is considered that the proposal could meet these requirements of Policies 3, 28 and 31.

### ***Water Use***

Policy 3 of the Local Plan requires development proposals to minimise the use of water, and Policy 31 specifically requires residential development to comply with the Building Regulation water efficiency standard of 110 litres per person per day. It is considered necessary for a condition to be attached to require the water consumption of each dwelling to not exceed 110 litres per person per day.

Subject to a condition to require the water consumption of each dwelling to not exceed 110 litres per person per day, it is considered that the proposal will satisfactorily minimise water use and will meet these requirements of Policies 3 and 31.

### ***Highway Safety and Parking***

Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration.

Policy 36 of the Local Plan indicates that all new developments should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6.

Both of the dwellings will have three bedrooms, which under appendix 6 mean that two parking spaces are required per dwelling. The scheme shows a driveway with a turning point which is considered a positive in respect of access. The drive is considered long enough to provide two off-street parking spaces. This is considered to be acceptable.

In addition, the Local Highway Authority have been consulted and raised no objections subject to informative. Subject to these conditions, it is not considered that the proposed development would have an adverse impact on highway safety or parking provision.

### **CONCLUSION:**

When considering the planning balance for this application, the main factors to consider are: the principle of development, impacts on the character and appearance of the area, residential amenity, biodiversity, flood risk, water usage and highway safety.

The principle of development is acceptable as the site is within the settlement boundary for Butterwick and it has been demonstrated the proposal complies with local and national policy.

The proposal will provide good quality dwellings which respect the immediate area. In addition the impact on residential amenity is considered acceptable. Furthermore, the impact on Flood Risk, biodiversity, highway safety and water usage are acceptable subject to conditions.

Albeit it a small contribution, the provision of two dwellings will help the Borough maintain its 5 year land supply.

The proposal complies with both local and national policy and is, therefore, deemed acceptable.

### **RECOMMENDATION:**

GRANT Planning Permission subject to the following conditions and reasons:-

CONDITIONS / REASONS			
Pre-commencement conditions?	Yes – 4, 5	Agreed with applicant/agent - Date:	20-May-22
<p>1. The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>			
<p>2. The development hereby permitted shall be carried out in strict accordance with the application received on 29/10/2020 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>- Air Quality Assessment, Received 02-Mar-2022</li> <li>- Design and Access Statement, Received 02-Mar-2022</li> <li>- Proposed Block &amp; Floor Plan, 15/017/Pr-01 Rev A, Received 02-Mar-2022</li> <li>- Proposed Elevations- DWELLING 1, 15/017/Pr-02 Rev A, Received 02-Mar-2022</li> <li>- Proposed Floor Plans- DWELLING 2, 15/017/Pr-03 Rev A, Received 02-Mar-2022</li> <li>- Proposed Elevations- DWELLING 2, 15/017/Pr-04 Rev A, Received 02-Mar-2022</li> <li>- Proposed Street Scene and Site Sections, 15/017/Pr-05 Rev A, Received 02-Mar-2022</li> </ul> <p><b>Reason:</b> 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>			
<p>3. The development shall be carried out in accordance with the submitted flood risk assessment (AF Architecture, February 2015) and the following mitigation measures it details, specifically in sections 4.1.6:</p> <ul style="list-style-type: none"> <li>• Finished floor levels shall be set no lower than 1.0 metre above existing ground level.</li> <li>• Flood resilience and resistance measures shall be incorporated as described.</li> <li>• Demountable defences to a height of 600mm above floor level shall be fitted on all external ground floor doorways.</li> </ul> <p>These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><b>Reason:</b> To reduce the risk of flooding to the proposed development and future occupants.</p>			
<p>4. 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 (including measures such as facilities for EV car charging) 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 prior to first occupation of the unit.</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 (2021).

5. No above ground construction works shall take place until full details of the biodiversity enhancement measures across the site and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme prior to first occupation of the dwellings.

**Reason:** In the interest of enhancing the ecology of the area in accordance with Policy 2, 28 and 31 of the South East Lincolnshire Local Plan 2011-2036.

6. 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.

The person carrying out the work must inform the Building Control Body that this duty applies. 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 the dwelling.

**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.

7. 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:

- i) 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);
- ii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- iii) details of how the scheme will be maintained and managed after completion.

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.

**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.

8. Demolition of the existing dwelling and construction of the development hereby approved as well as deliveries to and from the site must only be carried out between the hours of

08:00 -18:00 Monday to Friday, 08:00 – 13:00 Saturday and must not be carried out at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of the amenity of local residents. This condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework (2021).

9. The stairwell window and first floor bathroom window on the eastern elevation of dwelling 2 of the proposed development hereby approved shall be non-opening, obscurely glazed windows, shall be fitted before the dwellings are first occupied and thereafter shall be retained in that form.

Reason: To avoid overlooking of neighbouring property in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036

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

### **1. Witham Fourth IDB Comments**

1. 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. Please refer to the Board's Development & Consent Control Guidance for more information:  
<https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>
2. Board's Byelaw consent is required to discharge treated water to a watercourse (open or piped).
3. Board's Section 23 consent is required to culvert, pipe, or bridge any watercourse riparian or Board maintained.
4. 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.
5. SUDS/drainage response sent to LCC.

The permitted development requires the formation of a new/amended vehicular accesses. 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](mailto:vehiclecrossings@lincolnshire.gov.uk)

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>