

Development Management Delegated Decision Report

B/24/0073



SUMMARY OF APPLICATION			
Application Reference	B/24/0073		
Application Type	Full Planning Permission		
Proposal	Application under s73 for the variation of Condition 2 (Approved Plans) of permission B/22/0364 (Demolition of existing dwelling and erection of a replacement bungalow with attached garage)		
Location	Dwelling off Ulllyatts Drove, Amber Hill, PE20 3RE		
Applicant	Mr & Mrs Allwood		
Agent	Mr Chris Lilley, Chris Lilley Architectural Services		
Received Date:	21-Feb-2024	Consultation/Publicity Expiry Date:	02-Apr-2024
Valid Date:	22-Feb-2024	Statutory Expiry Date:	18-Apr-2024
Date of Site Visit:	08-Mar-2024	Extension of Time Date:	N/A
Objections received?	None		
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:	11-Apr-2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site to which the application relates is a vacant property located on Ulllyatts Drove, Amber Hill. The site is located approximately 9km to the west of Boston Town Centre. Ulllyatts Drove has limited residential dwellings along it. There are agricultural buildings opposite the dwelling and there is a farm to the west. To the east there is a residential bungalow.

The dwelling itself is currently vacant and does not appear to have been in use for some time. The dwelling is constructed in red brick and has a metal cladded roof. There are some gaps in roof near where it meets the brickwork. The window frames are still in place but do not have glazing. The principal elevation is located on the southern elevation of the dwelling where the entrance is located.



The site is located outside of a recognised settlement boundary and is within Flood zone 3 (High probability).

DETAILS OF PROPOSAL:

An application has been submitted under Section 73 of the Town and Country Planning Act to vary condition 2 (standard compliance plans) of planning permission B/23/0364 in order to make changes to the parking area to the front of the house.

The applicant proposes to set the house further back from the highway in order to accommodate 3 parking spaces to the front.

RELEVANT HISTORY:

B/06/0581 - Construction of a replacement dwelling with detached garage and installation of bio treatment unit.

Refused: 18.10.2006

B/06/0770 - Construction of replacement house with detached garage and bio-treatment unit.

Granted: 09.07.2007

B/22/0364 - Demolition of existing dwelling and erection of a replacement bungalow with attached garage

Granted: 24.11.2022

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The following policies contained within the South East Lincolnshire Local Plan (2019) (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 22: Replacement Dwellings in the Countryside
- 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 (2023)

At the heart of the 2023 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 Coast

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Amber Hill Parish Council

No comments or concerns

Lincolnshire County Council (Local Highway and Lead Local Flood Authority)

No objections.

Environmental Health

No objections.

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

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

- Matters of principle
- Impact on the character of the area
- Impact on neighbours' amenity
- Flood risk
- Highways issues and parking

Principle of Development

This application is made under Section 73 of the Town and Country Planning Act 1990 and allows applicants to request the removal or variation of conditions attached to a previous grant of planning permission (B/22/0364). Under a Section 73 application, the Local Planning Authority is only permitted to consider the question of the conditions, not the principle of the development.

Therefore, the main considerations of this application is whether the proposed amendments to the approved plans would have an acceptable impact on: the character and appearance of the site/area, residential amenity, flood risk and highway related matters.

Character and Appearance

Policy 2 of the Local Plan states that a proposal 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 states that 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.

There are no proposed changes to the dwelling itself in terms of its materials, design or size from the previous application. The only change is where the building will be located, as it will be set further back from the highway than the previously approved scheme. The proposed relocation is not considered to significantly detract from the character and appearance of the site or the surrounding area to such an extent that would sustain recommendation for refusal. The proposal accords with Policies 2 and 3 of the Local Plan.

Residential Amenity

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

Relocating the dwelling so that it is further away from the highway will not result in an adverse impact on residential amenity. The proposal is acceptable in this respect and in accordance with policies 2, 3 and 30 of the Local Plan.

Flood Risk

SELLP Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered and sets out particular requirements for certain types of applications. Development within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

No alterations in terms of flood related matters are proposed from the previous application. The relocation of the dwelling does increase the likelihood of flooding to the dwelling or elsewhere. The application is considered to be acceptable in this respect, but, the same mitigation measures should be conditioned as previously approved.

Highway Safety

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.

The proposal increases the number of parking spaces from two to three at the front of the dwelling, whilst retaining the attached garage which will provide an off-street parking space for one vehicle. It would also provide cycle storage for the site, which is in accordance with Policy 26 of the SELLP (2019). There is good visibility along the highway and vehicles would be able to leave the site in forward gear. The highway has raised no objections to the proposal subject to conditions. In all, the proposal is acceptable in terms of highway safety and parking grounds and is therefore in accordance with the SELLP.

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 applicant proposes a hawthorn hedge on the northern and eastern boundary as well as grassed outdoor amenity area surrounding the building. The re-use of the building and the limited biodiversity measures are considered to outweigh the harm of the construction and therefore the scheme is deemed to be acceptable in this respect. The proposal is therefore acceptable and in accordance with Policies 3, 28 and 31

CONCLUSION:

All aspects of the proposed development are considered to be acceptable and in accordance with Policy 1, 2, 3, 22 and 30 of the SELLP 2019, subject to conditions. The principle of the development is established and the proposed property would not have a detrimental impact on the character and appearance of the site/surroundings, on residential amenity, on highway safety, on food risk and biodiversity. Approval is therefore recommended.

RECOMMENDATION: Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?		3	Agreed with applicant/agent - Date: N/A
1	The development hereby permitted shall be begun before the expiration of four years from 24-Nov-2022. Reason: To accord with planning permission B/22/0364		
2	The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plans referenced: - Proposed Site and Location Plan, Drawing No. 22056 01B, Uploaded 21.02.2024 - Proposed Floor Plan and Elevations, Drawing No. 22056 02A, Uploaded 06.09.2022 - Proposed Section and External Views, Drawing No. 22056 03A, Uploaded 06.09.2022 Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity, and to comply with Policies 1, 2, 3, 4, 30, and 36 of the South East Lincolnshire Local Plan, 2019.		
Pre-commencement conditions:			
3	Prior to the commencement of development, evidence that soakaways are suitable for the site shall be submitted to the Local Planning Authority for their approval. Should soakaways prove unsuitable, then the applicant shall submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site.		

	<p>Reason: In the interest of suitable drainage and in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019.</p>
<p>Conditions which apply during the course of and following completion of the development:</p>	
4	<p>If, during development, ground contamination is identified, then the LPA 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 LPA.</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, 2019.</p>
5	<p>The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, Produced by RM Associates, Dated June 2022. All mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk and impact of flooding in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.</p>
6	<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 2019.</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 the 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 2019.</p>

**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 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.