

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0168-21 **Applicant:** R C Tinsley Ltd.

Proposal: Erection of 9 dwellings - outline approval H03-1005-16 (approved on Appeal)

Location: Campains Lane Deeping St Nicholas Spalding

Terminal Date: 14th June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0

ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	6	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a reserved matters for the erection of 9 dwellings at Campains Lane, Deeping St Nicholas. Outline approval was granted on appeal for the site under reference H03-1005-16. The proposal seeks to provide three pairs of semi-detached dwellings and three detached dwellings. Each semi-detached dwellings provides three off road parking spaces, with each detached dwelling providing four off road parking spaces. Plots 1 to 6 would contain a hall, kitchen, wc and combined lounge / dining area at ground floor area, with three bedrooms and a bathroom at first floor level. Plots 7 and 9 would provide a detached double garage with a lounge, utility, study, wc and kitchen / dining area at ground floor level of the dwelling. At first floor four bedrooms, an en-suite and a bathroom would be sited. Plot 8 would provide a detached double garage and a lounge, kitchen, utility, wc and dining area at ground floor level of the dwelling. At first floor level three bedrooms, an en-suite, bathroom and a study would be sited.

SITE DESCRIPTION

The site is outside of defined settlement limits and the existing use is as part of a large agricultural field. This is a small section of the field which fronts the south western side of Campains Lane. There are dwellings to the north west, north east and south east of the site with the rest of the field to the south west.

Land belonging to properties to the north east of the site tends to slope downwards from the road level, so these properties are built on a lower level. Properties in Elizabeth Crescent opposite are bungalows with two storey houses either side.

There is a two storey house to the north west boundary of the site which has the front elevation facing the site. There are bungalows on the plots beyond the house.

Dwellings to the south east are mostly bungalows which face on to the main road and have garages between the field and the dwellings which screens views of the field.

There is no proper pathway along Campains Lane, but there is some lighting. The lane is narrow and there is an open drain between the site and the lane. There is an access to either side of the field for residential dwellings, but no access into the existing field from this part of Campains Lane.

The site is in Environment Agency Flood Zone 3, subject a "Danger for Some" hazard, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk

Mapping.

HISTORY

H03-1005-16

Outline application with some matters reserved. Indicative drawings - 10 dwellings (2 detached and 4 pairs of semis). Allowed on Appeal - 13 March 2018

CONSULTATION RESPONSES

LCC Historic Environment Officer

No objections -

The Desk-Based Assessment (DBA) includes a good assessment of the potential significance of the archaeology on this site, and I would be satisfied that no further archaeological work is required prior to determination.

If permission is forthcoming, and provided that the development uses the proposed foundation methods outlined in the DBA, I think the potential for archaeological remains to be impacted is relatively small. So in this instance I think it would be appropriate not require any further archaeological input.

LCC Highways & SUDS Support

No objections -

Request access and utility informatives. Additionally requests an informative that the properties will be served by a private road and the liability is with the occupiers as to future maintenance.

Deeping St Nicholas Parish Council

Objections -

Deeping St Nicholas Parish Council object to this application, as the road is too narrow, the site entrance is too close to the Main Road junction and there are problems with the drainage.

The Parish Council believe that sewage will be a problem at the new proposed entrance, as other houses discharge into this small dyke.

This part of Campain's Lane is already very narrow, so access is potentially going to be an issue and there appears to be no option for a turning point. It is also very close to the main junction itself, which has been raised as a safety issue by residents before, so possibly the entrance to Campain's Lane as a whole would need to be addressed.

There is insufficient drainage given all the recent surface water we have witnessed recently and access onto the A16 from the Avenue in Campaigns Lane.

Given the already approved planning applications for the village, this is not an ideal site for development nor will it add value to improving village life. The concerns are with such a dangerous junction at Policeman's corner, increased traffic accessing at this point will increase the risk of accidents due to the necessity of a car, due to lack of transport facilities. Nor would this development contribute to reducing carbon emissions targets.

Although the houses are shown as accessed by a small service road, this accesses Campain's Lane within a few feet of the junction with the main road. This is not a satisfactory arrangement with regards to vehicle and occupant safety, given the width of Campain's Lane at this point, (single track), especially considering some of the vehicles that use it are large trucks with trailers c40' length, agricultural machines etc. The current residents of Campain's Lane already see this as a problem which the proposed layout can only make worse.

In order to improve safety at the main junction, the Parish Council would suggest that the service road be accessed from the middle or far end of the proposed site, rather than the proposed entrance and that the properties be moved further back to allow Campain's Lane to be widened in the future.

Welland and Deepings Internal Drainage Board

The Board note from the submitted block and location plan ref: 2002-01-A dated September 2020 that all surface water run-off is to discharge to soakaways and all foul water is to be treated and discharged into the newly-formed dyke via individual treatment plants.

The treated effluent discharges are agreeable in principle to the Board, subject to the submission of applications for each plot in advance of works on site. These are subject to the agreement of technical details as well as payment of the application fees in advance.

Environment Agency

No objections -

Information for your authority - We would like to reiterate that if a discharge is made into a seasonally dry ditch, an environmental permit may be needed for each individual property. A permit or exception would need to be in place before discharge can begin. The ditch at Campains Lane has had documented pollution incidents within the last 18 months relating to pollution and sewage odour. The ditch which currently receives treated sewage, receives little additional flow.

Information for the applicant - Requirement for an environmental permit - Under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Members of the public - 9

Objections have been raised as follows (summarised):

Flooding on site
Overlooking
Overshadowing
Overbearing
Loss of view
Light pollution.
Noise and disturbance
Refuse storage and collection
Sewage pump keeps breaking down
Road is not wide enough to cope with approximately 18 extra cars.
Increase in air pollution due to increase in vehicular movements.
The lane no longer has a bus shelter and bus service is poor.
The local school is at capacity.
Requests installation of 9 swift nest bricks a planning condition to provide enhancement for biodiversity.
Lack of infrastructure and amenities.
Impact on wildlife - sightings of hare, pheasant, butterflies, bees, bats and birds of prey.
Pedestrian safety due to lack of a footpath.

The Campains Lane roadsign will need relocating - Not a matter of material planning weight. This is a matter that can be address with the County Highways Department.
New residents will not spend money in the local area - Not a matter of material planning weight. The potential occupants of the properties and their spending habits cannot be assessed at this stage.
No consultation with local residents from the applicant - Not a matter of material planning weight.
This is not a requirement during any part of the planning process.

Disturbance during construction - Not a matter of material planning weight.

PLANNING CONSIDERATIONS

Principle

The principle of residential development on the application site has already been established by virtue of the outline consent.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the proposed dwellings is considered to be appropriate for the site. The surrounding area is characterised by dwellings of varying ages and design and there is not considered to be a material impact on the character and appearance of the surrounding area.
2. The design and orientation of the dwellings is considered to be appropriate for the surrounding area. The separation distance between the proposed dwellings and the existing dwellings on the opposite side of Campains Lane is 25 metres away which is an acceptable separation distance.
3. Plots 1, 2, 5 and 6 will be constructed from Vandersanden Autumn Red brick with Dark Grey Sandtoft Calderdale Edge tiles. Plots 3 and 4 will be constructed from Vandersanden Blenheim Red Multi brick with Sandtoft Shire Pantile Rustic tiles. Plots 7 and 9 will be constructed from Vandersanden Flemish Antique brick with Dark Grey Sandtoft Calderdale Edge tiles. Plot 8 will be constructed from Vandersanden Cottage Mixture brick with Sandtoft Shire Pantile Rustic tiles. All of the proposed materials are considered to be in keeping with the overall built character of the site and therefore benefit the overall design.
4. The site will be served by a private road which is accessed via the south-eastern boundary of the site. Two pedestrian bridges will be sited at the front of the site. Each dwelling provides three off road parking places, which is the minimum requested amount under Appendix 6 of the SELLP. The County Highways & SUDS Officer has no objections to the submitted details.
5. There is not considered to be a material impact on existing community services and infrastructure. 80 new dwellings are required to be constructed for Deeping St Nicholas during the course of this local plan. This application for 9 dwellings will help to achieve that total.
6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual impact, whilst the dwellings are raised 500mm above ground level, the application site is set lower than Campains Lane. The separation distance between the proposed dwellings and the existing dwellings on the opposite side of Campains Lane is 25 metres away which is an acceptable separation distance. This is not considered to lead to a material overlooking aspect. With regard to the side elevation windows of bedroom 3 of Plots 2 to 5 facing other, this is not considered to be a material overlooking aspect as the windows are narrow, separated by 8.6 metres and due to the narrow nature do not afford a material level of overlooking.
7. The site is in Environment Agency Flood Zone 3, subject to a "Danger for Some" hazard, with a

maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. The Environment Agency has no objections to the proposed finished floor levels which would be sited at 2.2mAOD which is approximately 500mm above ground level when averaged out over the length of the site. An environmental permit will be required to allow for foul water discharge to the drain along the frontage of the site. Surface water will discharge to soakaways and there are no known permeability issues in the area that would preclude their use.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. There is not considered to be an impact on a sense of a place as a result of this proposal. There are dwellings to the north, south and east of this proposal which are all sited within the defined settlement limits of Deeping St Nicholas. The size, scale and layout of the proposed dwellings is considered to be appropriate for the site. The surrounding area is characterised by dwellings of varying ages and design and there is not considered to be a material impact on the character and appearance of the surrounding area.

5. There is considered to be adequate space on each site for bin and cycle storage. The site will be served by a private road which is accessed via the south east boundary of the site. Two pedestrian bridges will be sited at the front of the site. Each dwelling provides three off road parking places, which is the minimum requested amount under Appendix 6 of the SELLP. The County Highways & SUDS Officer has no objections to the submitted details.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual impact, whilst the dwellings are raised 500mm above ground level, the application site is set lower than Campains Lane. The separation distance between the proposed dwellings and

the existing dwellings on the opposite side of Campains Lane is 25 metres away which is an acceptable separation distance. This is not considered to lead to a material overlooking aspect. With regard to the side elevation windows of bedroom 3 of Plots 2 to 5 facing other, this is not considered to be a material overlooking aspect as the windows are narrow, separated by 8.6 metres and due to the narrow nature do not afford a material level of overlooking.

12. The site is in Environment Agency Flood Zone 3, subject to a "Danger for Some" hazard, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. The Environment Agency has no objections to the proposed finished floor levels which would be sited at 2.2mAOD which is approximately 500mm above ground level when averaged out over the length of the site. An environmental permit will be required to allow for foul water discharge to the drain along the frontage of the site.

Light pollution

There is not considered to be a material light pollution impact arising from this proposal. There is no external lighting proposed as part of the application and the nearest separation distance to existing properties on the eastern side of Campains Lane is 25 metres away.

Sewage pump keeps breaking down

Single treatment plants will be utilised for foul water, and will ultimately discharge into a new drain. The Environment Agency have no objections to the proposed arrangements.

Road is not wide enough to cope with approximately 18 extra cars

The County Highways & SUDS Officer has no objections to the proposal. There is not considered to be a material impact from an additional approximate 18 cars utilising Campains Lane.

Increase in air pollution due to increase in vehicular movements

As the Planning Inspectorate at appeal considered this site to be a in a sustainable location, there is not grounds to refuse this application on environmental grounds. There is a footpath and bus stop access within close walking distance from the site.

The lane no longer has a bus shelter and bus service is poor

There is bus stop access within close walking distance of the site. Bus services are largely dependant on demand. If opportunities for public transport are provided near to residential development then this provides the opportunity for demand to grow, and routes / capacity to increase.

The local school is at capacity

School capacity is a consideration with all residential applications, however, the NPPF doesn't permit developer contributions to be sought on sites of less than 10.

Requests installation of 9 swift nest bricks a planning condition to provide enhancement for biodiversity

Biodiversity is a topic that is supported throughout the National Planning Policy Framework. It is considered that swift bricks can be incorporated into the dwellings without materially impacting the external appearance of any of the designs.

Lack of infrastructure and amenities

Deeping St Nicholas has two food shops, a school, church within the built up area, with easy access to the settlements of Market Deeping and Spalding nearby.

Impact on wildlife - sightings of hare, pheasant, butterflies, bees, bats and birds of prey

There is not considered to be a material wildlife impact as a result of this development. No evidence has been provided of any sightings on site.

Pedestrian safety due to lack of a footpath

The County Highways & SUDS Officer has no objections to the proposal. Campains Lane is not heavily trafficked and there are footpaths serving Littleworth Drove nearby to the south of the proposal site.

PLANNING BALANCE

It is considered that the proposed dwellings can be accommodated on site without materially impacting the character and amenity of the surrounding area. The proposal is in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 19, 28, 29, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework.

CONCLUSION

The proposal is recommended for approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.