

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0479-22 **Applicant:** D & R Property Services Ltd.

Proposal: Residential Development of 9 Dwellings

Location: Off Campains Lane Deeping St Nicholas Spalding

Terminal Date: 8th July 2022

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
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

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	3	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal includes the erection of 9 dwellings - four, three-bedroom dwellings and five, four-bedroom dwellings, located on a parcel of land on the south-west side of Campains Lane. The dwellings would be accessed via a new private road off Campains Lane.

Outline approval was granted on appeal for the site under reference H03-1005-16 with a reserved matters application approved under reference H03-0168-21. The current application proposes minor alterations to the layout and alterations to the proposed housetypes.

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

H03-0168-21 - Erection of 9 dwellings - outline approval H03-1005-16 (approved on Appeal) - Approved June 2021.

H03-1005-16 - Outline application with some matters reserved - Refused then allowed on appeal March 2018.

Consultation Responses

Deeping St Nicholas Parish Council

"The Parish Council continues to object to this application for the following reasons:

1. The road is too narrow and the site entrance is too close to the Main Road junction.
2. There are issues with the drainage and sewage discharge into this small dyke.
3. Access and egress at this narrow point will be difficult, especially with no turning area.
4. The above issues will be exacerbated by the fact that Campain's Lane is single track width and frequently used by large trucks with trailers c40' in length and agricultural machines from the farm situated the other side of the rail crossing.

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 entrance shown on this application. If the proposed dwellings were moved further back, this would allow Campain's Lane to be widened in the future."

Lincolnshire County Council Highway and SUDS Officer

Have no objections.

South Holland District Council's Environment Protection Team

Have no objections.

Welland and Deepings Internal Drainage Board

Have no objections.

Seven letters of objections have been received by residents during the course of the application. Their concerns have been summarised below:

- No need for further housing
- Highway safety
- Flooding and drainage
- Impact on neighbouring amenities
- Construction management

Planning Considerations

Principle

Given the site benefits from an extant permission for the erection of 9 dwellings (H03-0168-21) and the current application seeks to make minor alterations to the layout and alterations to the housetypes, the principle of development is considered acceptable.

Scale, Design and Layout

The proposal includes the erection of nine dwellings along the south-western side of Campains Lane. The layout of the proposed residential development maintains its linear form previously approved, however includes minor amendments including relocating the off-street car parking to the front of dwellings. Whilst the off-street car parking would be relocated to the front of properties, it is not considered to result in detrimental impacts to the character of the streetscene or surrounding area as other properties in the locality include parking to the front of properties. Furthermore, the visual impact would be broken up with the proposed soft landscaping scheme.

The proposed housetypes are considered to be of an acceptable design and scale that include suitable sized private rear amenity spaces, that would not detrimentally impact the character and appearance of the streetscene of Campains Lane or the surrounding area. Furthermore, the submitted material schedule for the proposed dwellings is considered to be acceptable.

As the proposal includes access to the proposed dwellings via private drive, consideration needs to be given to the Council's 'Private Drives - Waste Vehicle Collection Service - Guidance Note'. Whilst the proposal in its current form does not strictly comply with the guidance notes, it is considered by officers that a suitable solution could be achieved and agreed via a suitably worded condition.

Overall, the proposal is considered to be acceptable in terms of its scale, design and layout and

therefore is in accordance with Policy 3 of the adopted South East Lincolnshire Local Plan (2019) and the guidance within the National Planning Policy Framework (2021).

Flood Risk and Drainage

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. Whilst the Environment Agency have not provided comments on this application, they have previously raised 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, which remains as part of this application.

An environmental permit will be required to allow for foul water discharge to the drain along the frontage of the site. It is worth noting that whilst concerns have been raised in relation to the alterations to the drainage strategy, Welland and Deepings Internal Drainage Board raised no concerns with the proposal, subject to separate consents.

Highway Safety

The proposed dwellings would be served via a private drive off Campains Lane, Deeping St Nicholas. The proposed private access road would measure 4.15m in width with an internal footpath for users which is considered to be acceptable. Following receipt of additional information supplied by the applicant in relation to highway safety - namely details of how safe and suitable pedestrian access to the proposed dwellings would be provided, Lincolnshire County Council Highway Authority have no objections to the proposal.

The proposal includes the erection of four, three-bedroom dwellings and five, four-bedroom dwellings. In line with Policy 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (2019), two off-street car parking spaces are required to be provided for three-bedroom dwellings and three spaces are required for four-bedroom dwellings. Based on the submitted site layout plan and the housetypes which include integral garages, appropriate off-street parking is proposed.

Overall, the proposal is considered to be acceptable in terms of highway safety and would be in accordance with Policy 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (2019) and the guidance within the National Planning Policy Framework.

Other Matters

Concerns have been raised in relation to the overbearing and overshadowing impacts of the proposed dwellings on neighbouring properties amenities. It is considered that given the closest a proposed dwelling would be to an existing property is approximately 10m, the proposal would not result in significantly detrimental impacts on neighbouring properties amenities. Furthermore, it is worth noting that the positioning and scale of the proposed dwellings is not dissimilar to what has previously been approved.

Concerns have also been raised in relation to impacts during construction. As such, a condition would be imposed on any planning permission granted to secure a construction management plan.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal generally complies with the aims and objectives of Policies 1, 2, 3, 4, 10, 11, 17, 28, 30, 31, 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019), plus advice within the National Planning Policy Framework (NPPF, 2021). There are no material considerations that indicate planning permission should not be granted.

Conclusion

This application is recommended for approval, subject to conditions.

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.