

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0647-23 **Applicant:** D & R Property Services Ltd

Proposal: Residential Development of 9 Dwellings - approved under H03-0479-22. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Off Campains Lane Deeping St Nicholas Spalding

Terminal Date: 13th September 2023

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

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	0	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
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application seeking to alter a previous full application approved under H03-0479-22. 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. Amendments to the reserved matters application were approved under H03-0479-22. The current application proposes minor alterations to provide a 1.8 metre high closer boarded timber fence along the rear boundary of the site. The site will be accessed via a permeable tarmac shared drive, with gravel driveways. Previously the shared driveway was to be gravelled and the driveways block paved. The underground LPG tanks do not require an application for planning permission by virtue of being located underground and not within 3 metres of any property or boundary. No changes are proposed to the position or design of any dwellings.

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.

RELEVANT HISTORY

H03-1005-16

Outline application with some matters reserved - Refused - 06 June 2017. Allowed on appeal - 13 March 2018.

H03-0168-21

Reserved Matters - Erection of 9 dwellings - outline approval H03-1005-16 (approved on Appeal) - Approved - 22 June 2021.

H03-0479-22

Full - Residential Development of 9 Dwellings - Approved - 07 July 2022.

H03-1079-22

Condition Compliance - Details of refuse/recycling collection, management of private drive and landscaping, construction management plan and method statement. (Conditions 3, 4 and 7 of H03-0479-22) - Approved - 16 February 2023.

CONSULTATION RESPONSES

Lincolnshire County Council - County Highways & SUDS

No objection - *"The change from un-bound gravel to a sealed, permeable bitumen macadam construction for the surfacing of the private driveway serving the permitted dwellings would not be expected to have an unacceptable impact upon highway safety and therefore the highway authority does not wish to object to this Condition Variation Application."*

Lincolnshire County Council - Historic Places Team

No comment.

Welland & Deepings Internal Drainage Board

"I am pleased to see that the majority of the shared roadway is to be constructed of permeable tarmac which is agreeable with the Board."

Deeping St Nicholas Parish Council

Written on behalf of residents:

Parking provision.

Dirt and dust from construction.
Inconsiderate parking from builders.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Parking provision
New rear boundary fencing
Change of proposed private drive and driveway materials.

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle

Given the site benefits from an extant permission for the erection of 9 dwellings (H03-0479-22) and the current application seeks to make minor alterations to the private drive and rear boundary treatment, the principle of development is considered acceptable.

Character / appearance

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that 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.

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 to the rear boundary treatment and private road materials. There is not considered to be a material impact to the frontage from change of use of the proposed materials of construction. Furthermore, the visual impact of the rear boundary treatment is not considered to be significant by virtue of the siting and other 1.8 metre high timber fences in the vicinity of the site.

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'. A refuse / recycling scheme for the site was approved under condition compliance application H03-1079-22.

There is not considered to be a material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed 1.8 metre high close boarded timber fence along the rear boundary is considered to increase the security of the properties whilst not having a material impact on the amenity of neighbouring properties. There is not considered to be an overbearing or overshadowing impact by

virtue of the separation distance to existing properties. The change of private road and driveway materials is considered to benefit the amenity of the occupants and adjacent properties. This is because the private road is no longer gravelled so there should be less noise from the movement of vehicles.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Flood Risk and Drainage

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

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. Welland & Deepings Internal Drainage Board have stated *"I am pleased to see that the majority of the shared roadway is to be constructed of permeable tarmac which is agreeable with the Board."*

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.

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 raised

Dirt and dust from construction.
Inconsiderate parking from builders.

Disturbance during construction and the behaviour of workers on site are not matters of material planning weight. This is a matter that can be taken up with the Environmental Protection Department of the Council.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed amendments to the rear boundary treatment and driveway construction materials are not considered to have a material impact on the character and amenity of the surrounding area.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30, 31, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework, 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.