The Planning Inspectorate

Appeal Decision

Site visit made on 20 February 2018

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2018

Appeal Ref: APP/A2525/W/17/3186996
1 Campains Lane, Deeping St Nicholas, Spalding PE11 3EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Richard Tinsley of R C Tinsley Ltd against the decision of South Holland District Council.
- The application Ref H03-1005-16, dated 29 September 2016, was refused by notice dated 6 June 2017.
- The development proposed is residential development with field access.

Decision

1. The appeal is allowed and planning permission is granted for residential development with field access at 1 Campains Lane, Deeping St Nicholas, Spalding PE11 3EX in accordance with the terms of the application, Ref H03-1005-16, dated 29 September 2016, subject to the conditions listed on the schedule following this Decision.

Procedural Matters

2. The application is for an outline application with all matters reserved[1]. The appellant has submitted an indicative layout which shows how two detached and eight semi-detached dwellings might be arranged on the site.

3. The evidence before me indicates that the Council's approach to applying the sequential test in respect of flooding has changed since the determination of this application, and that the revised approach has been agreed with the Environment Agency. Consequently, the Council advises that they no longer have any concerns in respect of flood risk[2].

Main Issue

4. The main issue is whether the development would be in an appropriate location with particular regard to flood risk.

Reasons

5. The site is part of a large field that abuts Campains Lane on the outskirts of Deeping St Nicholas. There is a line of dwellings opposite the site as well as development to each side. The appellant suggests that 10 dwellings might be accommodated in a line fronting Campains Lane.

[1] Confirmed during the appeal
[2] Statement of Case, South Holland District Council

6. Deeping St Nicholas is a minor service centre and although the site is outside the settlement boundary, the Council considers that the development would be sufficiently close to a bus stop to enable access to services without the use of a private car. Furthermore, the Council contends that the development would be in keeping with the underlying development pattern and be appropriate infill. On the basis of my observations I see no reason to disagree with the Council on these points.

7. The Council has drawn my attention to the Strategic Flood Risk Assessment[3] (FRA). This states that as large parts of the Council's district lies within Flood Zone 3, it is necessary to use the refined flood risk information of Hazard and Depth maps to assist with the application of the sequential test required by the National Planning Policy Framework (the Framework).

8. Those maps show, as far as I can ascertain given their resolution, that the eastern boundary of the site would be on the edge or just within the hazard zones for residual peak depth and residual flood hazard. Furthermore, the evidence before me indicates that mitigation works could be imposed by condition to ensure the safety of future occupiers in the event of flooding. On that basis, although there is no evidence before me in respect of alternative sites in the area, I note that much of the land around Deeping St Nicholas falls within hazard zones with much higher risk than this site. Moreover, the Environment Agency has no objection to the application subject to a condition in relation to finished floor levels and the Internal Drainage Board was satisfied with the application as long as specific considerations in relation to drainage were addressed.

9. In the light of the above, and having reviewed the suggested conditions, I am satisfied that the development would not be contrary to the provisions of Paragraphs 100 and 101 of the Framework which seek to direct development away from areas of highest flood risk.

Conditions

10. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance (PPG) and the Framework. In respect of the plans, I have imposed a condition specifying the plans upon which I have based this appeal, as this provides certainty.

11. The Council has suggested a condition which stipulates that the development be carried out in accordance with the appellant's Flood Risk Assessment. However, although Appendix A of this document gives recommendations for building in flood risk areas, which are themselves taken from another document, I am not satisfied that listing such recommendations would be sufficiently precise to meet the tests for planning conditions. In this regard I have imposed only a condition in respect of ground floor levels which would be higher than the 2115 projected flood height to ensure the safety of occupiers.

12. As Campains Lane is particularly narrow, I have imposed a condition requiring the approval of contractors' parking as well as wheel washing arrangements. This is to safeguard highway safety and the amenity of local residents. The condition is pre-commencement in order to ensure suitable arrangements are in place from the start of the development.

[3] South East Lincolnshire Strategic Flood Risk Assessment, March 2017

13. With regard to drainage, I have imposed a condition requiring the approval of arrangements for surface and foul drainage. As the site is located in a sensitive area with regard to flood risk, this is a pre-commencement condition as drainage arrangements are an integral part of the development.

14. With regard to a landscape scheme, I have imposed a condition requiring the approval of a scheme of hard and soft works in order to safeguard the character and appearance of the area. As the development may take longer than a year to complete I have linked the timing of the landscape scheme's implementation to the development's completion or first occupation.

15. To ensure future highway safety and maintenance, I have imposed a condition requiring the Council's approval of maintenance arrangements for the communal road, as well as refuse collection points.

16. I have not imposed a restriction on permitted development rights as the Council has not demonstrated the exceptional circumstances outlined in PPG. Nor have I imposed a condition requiring approval of the design and position of gas flues and soil vent pipes as this seems unreasonable. In any case, design matters will be considered at reserved matters stage.

17. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Other matters

18. An interested party has raised a concern in relation to access and the limited road width of Campains Lane. However, I have noted the concerns of the highways authority as set out in the original application and appropriate access will be considered at reserved matters stage.

Conclusion

19. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR

SCHEDULE OF CONDITIONS

1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. No 26916/01; Dwg. No 1635/01 Rev C.

4) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

5) The finished ground floor levels of the development hereby permitted shall be no lower than 2.20 metres above Ordnance Datum.

6) The landscape proposals submitted as reserved matters shall include the following :

   i) earthworks showing existing and proposed finished levels or contours;

   ii) species, number and density of trees, shrubs and hedging as well as a specification for planting and maintenance scheme;

   iii) means of enclosure and retaining structures;

   iv) boundary treatments, including hedging;

   v) vehicle parking layouts;

   vi) other vehicle and pedestrian access and circulation areas;

   vii) hard surfacing materials;

   viii) external boxes for service supplies

   All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) No development shall take place until full details of the proposed means of foul and surface water drainage to separate systems shall have been submitted to and approved in writing by the local planning authority. The details so approved shall be implemented in their entirety before there are any flows into the receiving systems. Details submitted are to comply with the requirements of the Welland and Deepings Internal Drainage Board, and are to include agreement in respect of the maintenance and management of the dyke which runs along the western boundary of Campains Lane, the upgrading of pipes to a minimum of 450mm diameter, and a discharge agreement with the downstream landowner.

8) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

   i) the parking of vehicles of site operatives and visitors;

   ii) loading and unloading of plant and materials;

   iii) wheel washing facilities;

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

9) Prior to first occupation of the development hereby approved, maintenance proposals for the communal road and arrangements for the storage and collection of refuse shall have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full and maintained as such thereafter.