

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-1246-21 **Applicant:** Poplar Farm Estates Ltd

Proposal: Residential development comprising 8 dwellings & private drive - approved under H03-1153-18. Modification of Condition 2 to allow amendments to previously approved plans

Location: The Former Plough Main Road Deeping St Nicholas

Terminal Date: 28th January 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

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	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL	0	0	0	1

DRAINAGE BOARD				
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application at The Former Plough, Main Road, Deeping St Nicholas for Residential development comprising 8 dwellings and a private drive, approved under H03-1153-18, and is a modification of Condition 2 to allow amendments to previously approved plans. This application seeks a change of the external materials, removal of the proposed windows on side elevations and the introduction of air source heat pumps to the rear of each dwelling. Additional changes from the original application plans are the expansion of patio areas and the relocation of planting which were secured under condition compliance application H03-0681-21. Patio areas will now be located to the rear of the dwellings and some to the side to facilitate easier pedestrian access. Planting has been removed adjacent to the private road between plots 1/2 and 7/8. Additionally planting has been removed along the front of plots 4 and 5. The removal of this planting is considered to aid visibility for vehicles on site. The site is to be accessed using the existing access off Main Road that continues through the car park of the St Nicholas Village Store and into the proposal site.

Plots 1, 2, 7 and 8 have a hipped roof, whereas plots 3, 4, 5 and 6 have a gabled roof. The internal layout of all 8 plots is the same. The ground floor will contain a wc, living room and kitchen / dining area. At first floor level three bedrooms and a bathroom will be provided. The proposed materials of construction will be Hemingstone Antique brick, with Marley Eternit Smooth Grey Edgemere tiles. Window stonework will be buff coloured Bath Haddonstone.

Parking for the flats within the St Nicholas Store building will be located beyond the north-west corner of the site. There are two allocated parking spaces for each dwelling within the site boundaries. There is not a requirement to provide a refuse collection point at the front of the site as the original plans for the site were approved and commenced before the private drive refuse collection guidance from Environmental Services in 2021.

Work has commenced on the site from the original permission of H03-1153-18 and footings are in place.

SITE DESCRIPTION

This site is within defined settlement limits and the surrounding area is characterised by linear development of varying ages and design. The site has a row of small dwellings on a road named Plough Row to the south-west, St Nicholas Village Store to the west, Main Road with arable fields beyond to the north-west, a property named Kaleda to the north-east and arable fields beyond the rear boundary to the south-east.

The entirety of the site is in Environment Agency Flood Zone 2, and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H03-0877-06

Full - Overnight accommodation building containing four units - Withdrawn - 12 July 2006.

H03-0986-06

Full - Overnight accommodation building containing 4 units - Approved - 05 September 2006.

H03-0770-12

Full - Erection of 3 retail units with 2 flats above - Withdrawn - 17 December 2012.

H03-1153-18

Full - Residential Development comprising 8 dwellings and private drive - Approved - 23 May 2019.

H03-0681-21

Condition Compliance - Details of external materials, landscaping and surface water drainage (Conditions 3, 5 & 8 of H03-1153-18) - Approved - 28 January 2022.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - "Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the details that are proposed to be changed by this Application do not impact upon highway safety, highway capacity or surface water flood risk and therefore does not wish to object to this planning application."

Deeping St Nicholas Parish Council

No observations.

Welland & Deepings Internal Drainage Board

No comments.

Member of the public - 1

Proximity to existing hedge.

The footprint of the buildings has moved - This is incorrect. The distance to boundaries have been measured compared to those of the H03-1153-18 block plan. The distance to boundaries have not changed, nor has the footprint of the dwellings.

Drainage to a dyke at the rear of the site - This is incorrect. Drainage will be via infiltration.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Minor Service Centres. This section of the policy states:

"Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill."

The proposal site is considered to constitute infill, with development located immediately adjacent either side of the site which is in defined settlement limits.

This application accords with SELLP Policy 1.

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, layout and density of the proposal dwellings is unaltered from the previously approved and now commenced application under reference H03-1153-18. The character and appearance of the surrounding area is considered to be improved by replacing render with Hemingstone Antique brick as the proposal material of construction for the walls. This is considered to bring the development more in keeping with the built character of the wider area. No trees will be removed to facilitate this proposal. The proposed landscaping scheme was secured under condition compliance application H03-0681-21. An objection was made with regard to the proximity to the existing hawthorn hedge and the impact upon wildlife. The distance to the hedge remains unaltered from the previously approved application and the hedge is proposed to be retained.

2. The external design of the buildings has only been altered in minor way via the removal of the side elevation first window in the previous proposal. The orientation of the buildings has not been altered, and the properties benefit from south facing back gardens to maximise natural sunlight during the day. The installation of air source heat pumps to the rear of the buildings will help reduce finite fuel reliance, and at a size of 0.97 metres wide and 0.82 metres in height they are not considered to impact the overall built design of the properties.

3. The proposed materials of Hemingstone Antique brick, with Marley Eternit Smooth Grey Edgemere tiles are considered to be appropriate for the site and are in keeping with the built character of the surrounding area.

4. The access to the site is already existing and unaltered from the previously approved application. A turning area is provided to allow vehicles to exit the site in a forward gear. Each three bedroom dwelling has two off road parking spaces. This accords with the requested minimum of two spaces for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.

5. The capacity of existing community services and infrastructure is not materially impacted by this proposal.

6. There is not considered to be a material noise, odour or disturbance impact from the proposal. The proposal is not considered to be an overdevelopment of the site. The 8 dwellings can be comfortably afforded parking and garden space without impacting the character and amenity of the surrounding area. There is not considered to be a material overlooking aspect from or to the dwellings on the site. None of the proposed dwellings directly face neighbouring residential properties and the separation distances between the dwellings is 21 metres between plots 1/2 and 3/4. The distance between plots 5/6 and 7/8 is 20 metres. These are considered to be acceptable separation distances between the properties which will be bordered by 1.8 metre high fencing.

There is not considered to be a material overshadowing or overbearing aspect from the proposals. The blank side elevation wall of plots 5/6 is approximately 9 metres away from the rear elevation wall of 2 Plough Row to the west. This is not considered to lead to a material loss of light throughout the day when light calculations are made. The blank side elevation wall wall of plots 7/8 is approximately 20 metres away from the rear elevation wall of 6 Plough Row to the west. This is also not considered to lead to a material loss of light throughout the day when light calculations are made. The blank side elevation wall of plots 1/2 is approximately 7 metres away from a property named Kaleda to the east. This is not considered to lead to a material loss of light throughout the day when light calculations are made. The blank side elevation wall of plots 3/4 is approximately 20 metres away from a property named Kaleda to the east. This is also not considered to lead to a

material loss of light throughout the day when light calculations are made.

7. Surface water drainage is to be addressed via infiltration through soakaways and permeable paving. The Welland & Deepings IDB and the County Highways & SUDS Officer have no objections to the submitted details. The entirety of the site is in Environment Agency Flood Zone 2, and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. It is considered that this application therefore meets the sequential and exceptions test because it is not subject to increased hazard or flood depth from any source.

This application 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. A sense of place is not considered to be impacted by this proposal. The surrounding area has buildings of a variety of ages and designs. The size, scale, layout and density of the proposal dwellings is unaltered from the previously approved and now commenced application under reference H03-1153-18. The character and appearance of the surrounding area is considered to be improved by replacing render with Hemingstone Antique brick as the proposal material of construction for the walls. This is considered to bring the development more in keeping with the built character of the wider area. No trees will be removed to facilitate this proposal. The proposed landscaping scheme was secured under condition compliance application H03-0681-21. An objection was made with regard to the proximity to the existing hawthorn hedge and the impact upon wildlife. The distance to the hedge remains unaltered from the previously approved application

and the hedge is proposed to be retained.

4. The area is well served by public transport with bus stop for buses to Spalding on the opposite side of the road. There is a pavement to the front of the site that runs the length of the settlement down to the railway line beyond which is the end of the defined settlement limits of Deeping St Nicholas.

5. Each site has adequate private space for refuse and cycle storage. A turning area is provided to allow vehicles to exit the site in a forward gear. Each three bedroom dwelling has two off road parking spaces. This accords with the requested minimum of two spaces for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.

11. There is not considered to be a material noise, odour or disturbance impact from the proposal. The proposal is not considered to be an overdevelopment of the site. The 8 dwellings can be comfortably afforded parking and garden space without impacting the character and amenity of the surrounding area. There is not considered to be a material overlooking aspect from or to the dwellings on the site. None of the proposed dwellings directly face neighbouring residential properties and the separation distances between the dwellings is 21 metres between plots 1/2 and 3/4. The distance between plots 5/6 and 7/8 is 20 metres. These are considered to be acceptable separation distances between the properties which will be bordered by 1.8 metre high fencing.

There is not considered to be a material overshadowing or overbearing aspect from the proposals. The blank side elevation wall of plots 5/6 is approximately 9 metres away from the rear elevation wall of 2 Plough Row to the west. This is not considered to lead to a material loss of light throughout the day when light calculations are made. The blank side elevation wall wall of plots 7/8 is approximately 20 metres away from the rear elevation wall of 6 Plough Row to the west. This is also not considered to lead to a material loss of light throughout the day when light calculations are made. The blank side elevation wall of plots 1/2 is approximately 7 metres away from a property named Kaleda to the east. This is not considered to lead to a material loss of light throughout the day when light calculations are made. The blank side elevation wall of plots 3/4 is approximately 20 metres away from a property named Kaleda to the east. This is also not considered to lead to a material loss of light throughout the day when light calculations are made.

12. Surface water drainage is to be addressed via infiltration through soakaways and permeable paving. The Welland & Deepings IDB and the County Highways & SUDS Officer have no objections to the submitted details. The entirety of the site is in Environment Agency Flood Zone 2, and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. It is considered that this application therefore meets the sequential and exceptions test because it is not subject to increased hazard or flood depth from any source.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that the proposed amendments to the internal layout, removal of side elevation fenestration, installation of air source heat pumps and change of external materials of construction are all considered to benefit the proposal site. These alterations aid environmental sustainability as well as improve the character and amenity of the surrounding area compared to the previously approval proposal of H03-1153-18. This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well Section 5, 12 and 14 of the National Planning Policy Framework, 2021.

CONCLUSION

This application 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.