

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0425-22 **Applicant:** Wilf Hammond Homes Ltd.

Proposal: Residential Development - 6 Dwellings

Location: Off Town Dam Lane Donington Spalding

Terminal Date: 8th August 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

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	1	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

REASON FOR PANEL CONSIDERATION

Issues raised merit Panel consideration.

PROPOSAL

This application seeks permission for the erection of six, five-bedroom dwellings on land south-east of Town Dam Lane, Donington - specifically, located to the rear of Abendbloem and Sileni, Town Dam Lane, Donington. The proposal has come forward as part of the housing allocation in the adopted South East Lincolnshire Local Plan (SELLP) (2019).

SITE DESCRIPTION

The existing site is flat, is currently comprised of grassland with a drain running along the south-west boundary. The site would be accessed via an existing access off Town Dam Lane that currently serves Barn View and Sileni. The existing boundary treatment of the site is varied with portions of timber, post fencing, tree planting and sporadic hedgerow planting.

RELEVANT HISTORY

There is no relevant planning history on this site.

REPRESENTATIONS

Cllr J L King

Raised concerns regarding design, density and refuse collections.

Lincolnshire County Council Highway Authority and Lead Local Flood Authority

Raised no objections.

Lincolnshire County Council Archaeology

Raised no objections.

Lincolnshire Fire and Rescue
Raised no objections.

South Holland District Council's Environmental Protection
Raised no objections.

Black Sluice Internal Drainage Board
Raised no objections.

Public

Four letters of representation have been received raising concerns regarding the following:

- Overdevelopment;
- Impact on settlements infrastructure;
- Private drive;
- Residential amenity;
- Construction and;
- Refuse collection.

PLANNING CONSIDERATIONS

Principle

The principle of development is considered to be acceptable as the site is included within Policy 11 of the adopted SELLP as a housing allocation site (Don030 - Land east of Town Dam Lane - site capacity of 12 dwellings).

It is noted that the proposed development includes the provision of six dwellings, where the Local Plan identifies a capacity of 12 dwellings. However, during the course of the application, the agent confirmed that a large portion of the allocated site is to retain within the ownership of the neighbouring property and therefore resulting in a site with a reduced capacity.

Scale, Design and Layout

The proposal includes the erection of six, five-bedroom dwellings on the land east of Sileni and Abendbloem, Town Dam Lane.

Whilst each individual plot varies slightly in its design, the overall design of the proposed dwellings is traditional two-storey gable end properties with various style porches, integral garaging and single storey elements. Overall, the design of the proposed dwellings is considered to be acceptable. It is worth noting that each property includes a suitably sized private rear amenity space that is at least equal to the footprint of the dwelling.

With regards to the scale of the proposed dwellings, whilst the proposed detached properties would be relatively large in scale, this is considered to reflect the character of properties in the immediate locality - particularly those at the south-west end of Town Dam Lane. The proposed dwellings would be constructed with a red brick finish, dark grey roof tiles and UPVC windows and doors. The proposed material palette is considered to be acceptable given the varied materials in the locality.

The proposal includes a hard and soft landscaping scheme that includes the planting of a number of trees across the site, hedgerow planting along the southern boundary, a tarmac private drive with a permeable block paving turning head and gravel drives. The proposal is considered to be acceptable and would be secured via a suitably worded condition.

As the proposed dwellings would be served via a private drive with a distance greater than 30m to the public highway of Town Dam Lane, the proposal does not accord with the Private Drives - Waste Vehicle Collection Service Guidance Note and therefore refuse collection will need to be undertaken privately. A condition would be imposed on any planning permission granted to secure details of this.

It is also worth noting that amended plans were received during the course of the application to amend the private drive following concerns raised by Lincolnshire Fire and Rescue, ensuring adequate width and turning provision in the form of a turning head.

Overall, the scale and design of the proposed development is considered to be acceptable and therefore would be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

Flood Risk and Drainage

The site is located within Flood Zone 2 with a 'no hazard' risk to people as identified by the South East Lincolnshire Strategic Flood Risk Assessment (2017). As this is an allocated site, the sequential test is deemed to have been passed. Mitigation measures only require finished floor levels to be raised by 300mm which will be secured by condition.

The application states that surface water would be disposed via soakaway and foul sewage via mains sewer. The proposed is considered to be acceptable and would be secured via condition.

Impact on Neighbouring Amenity

As a result of the proposed development, the neighbouring properties that are most likely to be impacted upon are Sileni, Abendbloem and Barn View, Town Dam Lane, Donington.

The proposed dwelling that is most likely to impact the neighbouring property of Sileni is Plot 1. At its closest point, Plot 1 would be 2.5m from the boundary to Sileni, however, given this element is single storey in height only, it is not considered to result in detrimental overbearing or overshadowing impacts on the neighbouring properties amenity space. Furthermore, the two-storey element to Plot 1 would be approximately 6.3m from the boundary and approximately 36m to the neighbouring property. There are no western side elevation windows proposed on Plot 1 and therefore the proposal is not considered to result in any overlooking impacts on the neighbouring property of Sileni or its amenity space.

The proposed dwellings that are most likely to impact the neighbouring property of Abendbloem are Plots 4, 5 and 6. The closest plot to the neighbouring property is Plot 6, which would be approximately 1.95m away at its closest point. Whilst the proposed two storey property would be in relatively close proximity to the neighbouring property, it is considered that as the boundary includes a proposed 1.8m high close boarded fence and benefits from a number of existing trees that would screen the majority of the proposed dwelling, the impacts would not be significant. Furthermore, Plots 4, 5 and 6 are not considered to result in any detrimental overlooking impacts on the neighbouring property of Abendbloem as the plot closest to the boundary (which is made up of a 1.8m high close boarded fence) of the neighbouring property would be approximately 11.4m away.

Given the distance of the proposed dwellings to Barn View (approximately 65m), the proposal is not considered to result in any detrimental overlooking, overbearing or overshadowing impacts on the neighbouring property.

Concerns have been raised during the course of the application over the impacts during construction on the amenity of the neighbouring properties. As such, a condition would be imposed on any planning permission granted to secure a construction management plan and ensure works proposed to the private drive are carried out prior to any other works to be undertaken.

Overall, the proposal is not considered to result in any significantly detrimental impacts on neighbouring properties amenities and therefore would be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

Highway Safety

As the proposal seeks permission for the erection of six, five-bedroom dwellings, in accordance with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP, 2019) each property should include three off-street car parking spaces. Based on the submitted plans, the proposal is considered to accord with the Policy and provide adequate off-street parking.

Furthermore, Lincolnshire County Council Highway Authority have raised no objections to the proposal or the private drive.

Overall, the proposal is considered to be acceptable in terms of highway safety and would be in

accordance with Policy 36 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the NPPF.

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 accords with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30, 31, 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (2019) plus advice within the National Planning Policy Framework (2021).

Conclusion

There are no other material considerations that indicate planning permission should not be granted in this instance.

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.

RECOMMENDATION

The recommendation is for a delegated approval.