

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 07 September 2022

(Author: Christopher English - Planning Officer)

Purpose: To consider Planning Application H04-0429-22

Application Number: H04-0429-22

Date Received: 22 April 2022

Application Type: FULL

Description: Residential Development of 6 Dwellings

Location: Off Maple Way Donington Spalding

Applicant: Loosegate Developments

Agent: G R Merchant Ltd

Ward: Donington, Quadring and
Gosberton

Ward Councillors: Cllr H J W Bingham
Cllr S C Walsh
Cllr J L King

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H04-0429-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal raises issues that warrant consideration by the Planning Committee.

2.0 PROPOSAL

2.1 This application seeks approval for the erection of six dwellings on land west of Maple Way, Donington. The proposed dwellings would be bungalows, would each include a detached garage and the properties would be served via a private drive off Maple Way.

3.0 SITE DESCRIPTION

3.1 The site currently comprises of manicured lawn with various boundary treatments including close boarded fencing, tree planting and hedgerows. The site is bound on all sides with residential properties to the north, west and south and abuts Donington Village Park to the east.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1: Spatial Strategy
Policy 2: Development Management
Policy 3: Design of New Development
Policy 4: Approach to Flood Risk
Policy 10: Meeting Assessed Housing Requirements
Policy 11: Distribution of New Housing
Policy 17: Providing a Mix of Housing
Policy 28: The Natural Environment
Policy 30: Pollution
Policy 31: Climate Change and Renewable and Low Carbon Energy
Policy 32: Community, Health and Well-being
Policy 36: Vehicle and Cycle Parking
APPENDIX 6: Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2019

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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H04-0237-08 - Erection of 7 detached bungalows and associated works - Application Withdrawn April 2010.

6.0 REPRESENTATIONS

6.1 Donington Parish Council

The Parish Council has concerns over another development in the village. Drainage cannot cope with existing houses, schooling is saturated and it is adjacent to a busy playing field, where noise will be a problem to new residents. The entrance to the site is through, what has been a quiet cul de sac with narrow roads leading to the site, being detrimental to the existing residents parking. Access for refuse lorries and emergency vehicles will be restricted.

6.2 Cllr J L King

Raised concerns which are summarised below:

- Overdevelopment,
- Refuse collection arrangement,
- Amenity,
- Highway safety.

6.3 Lincolnshire County Council Highway and Lead Local Flood Authority

Raised no objections.

6.4 South Holland District Council's Environmental Protection Team

Raised no objections.

6.5 Black Sluice Internal Drainage Board

Raised no objections.

6.6 Anglian Water

Raised no objections.

6.7 The Rt Hon Sir John Hayes CBE MP

Raised concerns which are summarised below:

- Highway safety concerns,
- Sewage and drainage,
- Noise implications from adjacent playing field.

6.8 Public

7 letters of objection have been received by residents during the course of the application and have been summarised below:

- Highway safety and increased traffic,
- Sewage and drainage,
- Strain on local services and overdevelopment of the area,
- Arrangement of refuse collection,
- Disruption during construction,
- Impact on neighbouring amenities

6.9 One letter of representation was submitted by a neighbouring property regarding boundaries and access rights, however as this is a civil matter, it does not form part of the assessment of this application.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle

7.3 The site is located within the settlement boundary of Donington, which Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) identifies as a 'Main Service Centre'. Policy 1 goes on to state that within the settlement boundaries of Main Service Centres, 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.

7.4 The application seeks approval for the erection of six dwellings on land east of Maple Way, Donington. The site is within walking distance to the Donington High Street (approximately 0.3 miles), which offers a range of day-to-day and specialised services and facilities including retail, employment and schooling. Furthermore, along High Street and Station Road are a number of bus stops that provide regular links to neighbouring settlements.

7.5 Whilst concerns have been raised with regard to strain on existing services and facilities, including schooling, as a result of the proposed development and cumulatively with other developments within the settlement of Donington, it is considered that given the small scale of the proposed development, the direct impacts upon existing services and facilities within Donington is not considered to be significant and would be unreasonable to refuse the application on this basis.

7.6 Given the close proximity to local amenities and services, the proposed dwellings are considered to support Donington in its role as a Main Service Centre and given the site benefits from nearby public transport links the dwellings also have the opportunity to help meet the service needs of other local communities. As such, the proposal is considered to be in accordance with Policy 1 of the adopted SELLP and therefore the principle of development is acceptable, subject to all other planning matters being addressed.

7.7 Scale, Design and Layout

- 7.8 Policy 2 of the South East Lincolnshire Local Plan (2019) states that applications will be permitted provided that sustainable development considerations are met, including 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.
- 7.9 The proposal includes the erection of six bungalows. The siting of bungalows in this location is considered to be acceptable given the majority of properties along Maple Way are single storey in height. Furthermore, the layout is considered to be acceptable as it would be of a style that would appear a natural continuation of Maple Way. The proposed house types are considered to be acceptable, utilising a gable design that reflects the character and design of the streetscene and surrounding area.
- 7.10 Whilst concerns have been raised over the proposal representing a cramped form of development, the scale of the proposed dwellings are not dissimilar to those existing in the immediate area and each property includes a private rear amenity space that is at least equal to the footprint of the dwellinghouse. As such, the proposal is not considered to be overdeveloped and would reflect the character of the area.
- 7.11 The proposed boundary treatments are made up of a mix of utilising existing hedgerows and trees and proposed 1.8m close boarded fencing along joint boundaries with other properties. The proposal is considered to be acceptable and would be secured via a suitably worded condition.
- 7.12 As the proposal includes access to the dwellings via a private drive, a condition would be imposed on any planning permission granted to secure details of refuse collection/storage. It is worth noting that during the course of the application, the applicant has confirmed that refuse and recycling would be collected via private collection.
- 7.13 Overall, the proposed development is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan as well as the guidance within the National Planning Policy Framework and is therefore acceptable in terms of scale, design and layout.

7.14 Flood Risk and Drainage

- 7.15 The site is located within Flood Zone 1 and is therefore not considered to result in any flooding impacts.
- 7.16 The application states that foul sewage would be disposed of via the mains sewer and surface water would be disposed via soakaway which are considered to be suitable in this location. Furthermore, no objections have been received by Black Sluice Internal Drainage Board or Anglian Water.
- 7.17 As such, the proposal is considered to be in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (2021).

7.18 Impact on Neighbouring Amenity

- 7.19 As a result of the proposed development, the neighbouring properties that are most likely to be directly impacted upon are No. 36 Maple Way, South View, Goxhill Avenue and Nos. 23 and 25 Flinders Road, Donington.
- 7.20 Given the single storey nature of the proposed dwellings (Plots 5 and 6) and the distance to the boundary with No. 36 Maple Way (approximately 6.3m), which would comprise of a 1.8m high close boarded fence, the proposal is not considered to result in any detrimental impacts on No. 36 Maple Way.

- 7.21 Plot 4 would be approximately 2m to the boundary of No. 25 Flinders Road at its closest point and approximately 14.5m to the closest part of the neighbouring property. Whilst the proposed dwelling would be in close proximity to the neighbouring properties boundary, it is noted that Plot 4 is angled in a way that would reduce any overbearing or overshadowing impacts on the neighbouring properties private rear amenity space. Furthermore, the boundary to the two properties comprises of a 1.8m close boarded fence.
- 7.22 Given that Plot 4 would be approximately 6m from the boundary to No. 23 Flinders Road with the same boundary treatment (including the retention of an existing hedgerow), the proposal would not result in any detrimental impacts on No. 23 Flinders Road.
- 7.23 The proposed development is not considered to result in any detrimental impacts on the amenities of South View, Goxhill Avenue given the distance to the neighbouring property (approximately 21m) and the single storey nature of the proposed dwellings.
- 7.24 Concerns were raised during the course of the application on the noise impacts from Donington Village Park/Flinders Park to the east of the proposed dwellings. The existing park directly abuts a number of existing properties and any potential owner/occupant of the proposed dwellings would be aware of the park prior to occupation. Furthermore, it is noted that the relationship is not dissimilar to other residential properties in the area, including those along the east side of Goxhill Avenue.
- 7.25 Overall, the proposed development is not considered to give rise to any significantly detrimental impacts on neighbouring amenities and is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the NPPF (2021).
- 7.26 Highway Safety
- 7.27 The proposal includes the erection of six three-bedroom dwellings that would be accessed via a private drive off Maple Way - an unclassified road subject to a 30mph speed limit.
- 7.28 In accordance with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP, 2019), two off-street car parking spaces should be provided for each three-bedroom dwelling. Whilst the proposed detached garages are considered to be substandard in their internal dimensions, there is sufficient hardsurfaced areas to the front and side of the proposed dwellings to accommodate two off-street car parking spaces per dwellings. As such, the proposal is considered to provide adequate off-street car parking.
- 7.29 The access with to the proposed site would measure approximately 5.3m and therefore is considered to be an acceptable width in terms of emergency vehicle access. Furthermore, the proposal includes the provision of a turning head within the site.
- 7.30 It is also worth noting that, Lincolnshire County Council Highway Authority have raised no objections to the proposal stating that the scale of the development and the point of access onto the existing highway network would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the capacity of the local highway network.
- 7.31 Overall, the proposed development is considered to be acceptable in terms of highway safety and would therefore be in accordance with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (2021).
- 7.32 Other Matters
- 7.33 Concerns have been raised throughout the course of the application in regard to disruption impacts during the construction of the proposed development. In line with comments and comments received by the Lincolnshire County Council's Highway Authority and the Council's Environmental Protection Team, a condition would be imposed on any planning permission

granted to ensure a construction management plan is submitted and agreed.

7.34 Planning Balance

7.35 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.

7.36 The proposal generally accords with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30, 31, 32, 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 other material considerations that indicate planning permission should not be granted in this instance.

7.37 Conclusion

The planning balance lies in favour of the proposal for the reasons outlined above.

Additional Considerations

7.38 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.

7.39 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.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to those conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form

Block and Location Plans, drawing number 3655-20 01F,
Plot 1 Floor Plans and Elevations, drawing number 3655-20 03,
Plot 2 Floor Plans and Elevations, drawing number 3655-20 04,
Plot 3 Floor Plans and Elevations, drawing number 3655-20 07,
Plot 4 Floor Plans and Elevations, drawing number 3655-20 06,
Plot 5 Floor Plans and Elevations, drawing number 3655-20 05,
Plot 6 Floor Plans and Elevations, drawing number 3655-20 02,
Flood Risk Assessment, prepared by Ellingham Consulting Ltd, dated November 2021,
Drainage Strategy, prepared by William Saunders, dated April 2022,
Drainage Layout, drawing number 12446-WMS-ZZ-XX-DR-C-39200-S8-P2,
Phase 1 Desk Study, prepared by T.L.P Ground Investigations, dated 6th December 2021 and,
Phase 2 - Intrusive Ground Investigation Report, prepared by T.L.P Ground Investigations, dated 6th January 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement which shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle movements and for the management of the surface water drainage on the site during the construction stage. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of vehicles of site operatives and visitors;
- the on-site loading and unloading of plant and materials;
- the on-site storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. Note. this is particularly important given the stated intention to utilise an infiltrating permeable carriageway which, if not protected from contamination by mud and other detritus during construction will be unlikely to function efficiently.

Reason: In the interests of the safety and free passage of those using the neighbouring estate roads and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

5. Prior to the occupation of any dwelling, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

6. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.0 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

7. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

9. Before the commencement of the development hereby permitted beyond oversight full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the development being brought into use and shall thereafter be retained.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

10. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

11. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

12. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

13. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

14. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
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Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

