DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H04-0870-23** | **Applicant:** | **Wilf Hammond Homes Ltd.** |
| **Proposal:** | Residential Development - 6 Dwellings - approved under H04-0425-22. Modification of Condition 2 to allow amendments to previously approved plans. | | |
| **Location:** | Off Town Dam Lane Donington Spalding | | |
| **Terminal Date:** | 24th November 2023 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |

**National Guidance**

**National Planning Policy Framework 2023**

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

**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 |

CASE OFFICER ASSESSMENT

**Proposal**

The proposal seeks alterations to Condition 2 of H04-0425-22. It is proposed that the driveways would be constructed of tarmac as opposed to the previously approved block pavement. No other

alterations are proposed.

## Site Description

The site is within the settlement boundaries of Donnington, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is located towards the south of the settlement. 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

H04-0425-22 - Residential Development - 6 Dwellings - approved 8/08/22.

H04-0789-22 - Condition Compliance. Details relating to contamination (Conditions 7 and 8 of H04-0425-22) - Approved 15/08/22.

H04-0934-22 - Condition Compliance. Details of Proposed Means of Foul & Surface Water disposal and Construction Management Plan (Conditions 4 and 9 of H04-0425-22) - Approved 04/01/23.

H04-1112-22 - Section 73 Modification. Residential Development - 6 Dwellings - approved under H04-0425-22. Modification of Condition 2 to allow amendments to previously approved plans.

## Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

### Highway and Lead Local Flood Authority

"No objection: The change from a block paved private road to a bitumen macadam construction, as proposed in this Application, would not be expected to have an unacceptable impact upon highway safety and therefore the highway authority does not wish to object to the grant of Consent for this Application."

### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

## Key Planning Considerations

### 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.
The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

### Layout, Design, Scale and Consideration of the Character of the Area

Paragraph 130, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that

the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The potential aesthetic alterations would be minimal and as a result the character impact would be negligible. Therefore, it is considered that the alteration would not materially alter the character of the area. Accordingly, it is considered that the proposal conforms to Policies 2 and 3 of the SELLP as well as Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the nature of the proposal, there would be no impact upon the amenity of residents. As such, the proposal conforms to Policies 2 and 3 of the SELLP in terms of residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 111 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The relevant consultee from the Highway department has raised no objections, stating that the works would not have an unacceptable impact upon highway safety. As such, the proposal is considered acceptable in highway safety terms.

The proposal conforms to Policies 2 and 3 of the SELLP as well as Section 9 of the NPPF on highway safety.

Drainage

Policy 4 of the SELLP, amongst other matters, relates to site drainage. The proposed alteration would not increase the level of surface water run-off on site. There site is drained via soakaways and the arrangements have been considered acceptable under H04-0934-22. No significant or detrimental alterations are proposed to this system.

The proposal therefore conforms to Policy 4 of the SELLP.

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 development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposal would not increase surface water run off or affect the approved drainage arrangements.

The proposal conforms to Policies 2, 3 and 4 of the SELLP as well as Sections 9 and 12 of the NPPF. The planning balance is in favour of the proposal.

## Conclusion

The recommendation is for delegated 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.