

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-1112-22 **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: 17th February 2023

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
18	Affordable 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	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The application is a Section 73 application to amend plots 2 and 5 of the original approval under H04-0425-22.

Plot 2 has been handed whilst keeping the same general design. Plot 5 has being amended to regularise the projecting rear gable on the site location plan so that it accords with the corresponding approved floor plan which shows a rear projecting gable of 3.5m.

The original proposal was 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 came 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 southwest boundary. The site would be accessed via an existing access off Town Dam Lane that 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.

H04-0425-22 - Residential Development - 6 Dwellings - approved 8th August 2022

H04-0789-22 - Details relating to contamination (Conditions 7 and 8 of H04-0425-22) - Approved 15 August 2022

H04-0934-22 - Details of Proposed Means of Foul & Surface Water disposal and Construction Management Plan (Conditions 4 and 9 of H04-0425-22) - Approved 4.1 2023

Consultation Responses

Lead Local Flood Authority and Highway Authority

No objection.

The handing of plot 2 will have no material impact upon the safety or the capacity of the local highway network and therefore, the highway authority does not wish to object to this Application.

Black Sluice Internal Drainage Board

No comments

Planning Considerations

The principle of development is 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

dwelling(s)). It is also acceptable as a result of the previous approval as noted within the history section for 6 dwellings on 8 August 2022.

In the previous officer report it was 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 remain within the ownership of the neighbouring property and therefore resulting in a site with a reduced capacity.

There is no objection in principle to the development of 6 dwellings on the site.

Scale, Design and Layout

The original approval was for the erection of six, five-bedroom dwellings on the land east of Sileni and Abendbloem, Town Dam Lane. The general location of the dwellings has not changed. This current proposal envisages minor amendments to the designs of plots 2 and 5, both of which are the middle plots within the overall layout.

The 'handing' of plot 2 means that the design of the plot has been flipped. Plot 2's layout now shows the rear projecting gable on the south east part of the plot, rather than on the other side. There is no impact on the adjoining plots and no impact on neighbouring properties, particularly as this plot is sandwiched between two other plots.

The correction of plot 5 shows an amended design to the rear projecting gable to Plot 5 to accord with the floor plan. In the approved plans there was a discrepancy. There is no impact on neighbouring properties and no impact on adjoining plots.

Whilst each individual plot varies slightly in its design, the overall design of the amended dwellings are still 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, and the amendments make no difference in terms of scale, design or layout. Each property includes a suitably sized private rear amenity space that is at least equal to the footprint of the dwelling.

The proposals do not significantly change the scale of the proposed dwellings, and there would be no impact on the street scene or character of the area.

The scale and design of the proposed changes to the approved 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 amended proposals do not change the flood risk or drainage situation.

The application states that surface water would be disposed via soakaway and foul sewage via mains sewer.

Details of the Construction Management Plan and Foul and Surface Water Drainage have already been approved under reference: H04-0934-22.

Subject to a reference to the approved details in the approval the proposed is considered to be acceptable.

Impacts on Neighbouring Amenity

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. There are no changes to Plot 1 as part of this proposal.

Plot 2 is the closest to the property Sanjomiti. However, this property is set further towards the front of its plot and would be in the region of 60 metres away. The alteration to plot 2 will have no impact on this property.

Plots 4, 5 and 6 are closest to the neighbouring property of Abendbloem which has a 1.8m high close boarded fence. Plot 5 is in the middle of the three and is approximately 27 metres away. The revised proposals do not significantly change the impact on this property.

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

The proposal is not considered to result in any significantly detrimental impacts on neighbouring properties amenities and therefore is 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

The amended proposal is still for 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. There are no car parking changes as a result of the proposals and as such, 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.

Details of the Construction Management Plan have already been approved under reference: H04-0934-22. Subject to a reference to the approved details in the approval the proposed is considered to be acceptable.

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.

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.