

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-1134-23 **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: 21st February 2024

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
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 2023

National Planning Policy Framework 2023

Section 2: Achieving Sustainable Development

Section 12: Achieving well-designed and beautiful 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

SHDC INTERNAL	0	0	0	2
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CASE OFFICER ASSESSMENT

Proposal

This is a section 73 proposal which relates to changing the alignment of the access road to the site and to construct a front boundary wall, either side of the access road. The access road has been agreed to be closer to the adjoining property's boundary to the south. No other changes are envisaged.

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, and is nearing the end of construction

The site is 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.

History

H04-0425-22 - Full - Residential Development - 6 dwellings - Approved 8th August 2022.

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

H04-0934-22 - Condition Compliance - Details of proposed means of foul & surface water disposal and Construction Management Plan & Method Statement (Conditions 4 & 9 of H04-0425-22). Approved 4th January 2023.

H04-1112-22 - Section 73 application - Residential development, approved under H04-0425-22. Modification of condition 22. Amend plots 2 and 5. Handing of plot 2, correcting projecting gable to plot 5. Approved 16 February 2023.

H04-0672-23 - Section 73 - Residential development approved under H04-0425-22. Modification of condition 2 to allow amendments to previously approved plans. Change related to tarmac driveways. Approved 28 September 2023.

H04-0870-23 - Residential development approved under H04-0425-22. Modification of condition 2 to allow amendments to previously approved plans. Change related to tarmac driveways. Approved 6th November 2023.

Consultation Responses

Local Highway Authority and Lead Local Flood Authority

Recommendation: 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 proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

SHDC Environmental Protection

Standard operating hours condition requested.
Standard contamination condition requested.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The principle of development has been established by the host permission. This includes the principle of the access.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development. Policies 2 and 3 of the SELLP reflects that guidance.

The only two changes to this application are the very minor configuration of the access road set within the gap between existing property boundaries and the construction of a boundary wall. It is understood that on site discussions have taken place between neighbours and the resulting proposed position of the access road is reflected in the current application, rather than the approved scheme. The changed layout of the position of the access road is minor, and has no material impact upon the street scene.

A new boundary wall is to be constructed at either side of the access points to define the front edge of the development at the entry point to the site.

There is no adverse impact on the design and layout of the approved scheme and the proposals are minor.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Two neighbouring properties face the access road to the site: Abendbloem sits to the north east, is flank on, and is set in excess of 20 metres away from the access road; Sileni is set to the south west, which is closer, estimated to be 5 metres from the front main wall to the edge of the boundary with the access road.

The proposed change to the road is immediately south east of Sileni. In the approved plan it curves away from the boundary with Sileni, creating a gap, whereas in the proposed plan it is closer to the boundary and then has a sharper curve away beyond the property. There is no significant impact on the alignment change of the road to either neighbouring properties, and overall is de minimus.

The wall defining the beginning of the development will be an improvement in design terms to define the site.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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".

Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards.

The Local Highway Authority raise no objection to the proposals as the changes are minor.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development. Policy 4 of the SELLP relates to flooding.

The proposed changes do not affect flooding considerations, which was dealt with in the host permission remain the same. Surface and Foul water matters were discharged as per application H04-0934-22.

The proposals do not result in an impact on flooding and the scheme does not conflict with Policy 4 or relevant sections in the NPPF as a result.

Other Matters

SHDC requested conditions relating to standard working hours and also contamination. It was explained that a standard working hours condition would have needed to have been applied at the main consent for 6 houses, rather than at this point, as the scheme is nearing completion. Such a condition would fail the planning tests as stated in the NPPF and would therefore be unreasonable.

In addition, matters relating to contamination have already been discharged via application H04-0789-22. Both of these conditions therefore cannot be added at this late stage.

Conclusion

The proposals are minor in nature and therefore approval is recommended.

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.