DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H14-1279-21** | **Applicant:** | **Highgrove Homes (Spalding) Ltd.** |
| **Proposal:** | Residential Development of 4 Dwellings - outline approval H14-0370-21 | | |
| **Location:** | Land Adj. Four Acres Beck Bank West Pinchbeck | | |
| **Terminal Date:** | 3rd February 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 |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

**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 | 0 | 1 |

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|---|---|---|---|---|
| SHDC INTERNAL | 0 | 0 | 0 | 1 |
| RESIDENTS | 1 | 0 | 0 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

Reserved Matters approval is sought for a residential development of 4 dwellings. Outline planning permission was granted under application ref. H14-0370-21.

The proposal is for 4 x 3-bed bungalows with Plots 2-4 being served by a private drive and a field access being retained on the eastern side.

### Site Description

The site forms part of the substantial garden of the property known as 'Four Acres', which extends to the side and the rear of the property. Existing residential development in the area is varied in terms of size and style. There are existing dwellings to the north and south and on the opposite side of the road. There are open fields to the east.

### History

H14-0370-21

Outline - Residential Development - Approved - 30 July 2021.

H14-0336-18

Outline - Residential Development - Approved - 04 June 2018.

### Consultation Responses

LCC Highways/SUDS - No objection subject to standard highways informatives.

Black Sluice Internal Drainage Board - Applicant appears to have complied with the requirements of BRE Digest 365 regarding the use of soakaways, subject to the advice of their consultants. Land levels appear to graduate towards the adjacent agricultural land, which would be acceptable subject to the approval of the adjacent landowner. Consideration should be taken by the planning authority regarding any future development of the adjacent land and the potential impact of future exceedance flows from the development under this application.

Public (1 objection, summarised) -
- Concern regarding highway safety

### Planning Considerations

Principle

As the principle of development on the site has already been established, the main issues to be taken into account in respect of this application are whether the proposed scheme is acceptable in terms of the reserved matters (layout, scale, external appearance, means of access and landscaping).

Layout, Appearance and Scale

The proposal is for 4 x 3-bed bungalows which would each be different in terms of design and layout, although forming a cohesive development overall in visual terms. The proposed materials of construction are TBS Old Fulford Blend and Sandtoft Neo Clay Pantile roof tiles in colours Natural Red and Flanders. Fenestration would be cream UPVC. Given that the design/visual appearance of existing properties in the wider area is varied, the proposed materials are considered appropriate.

Plot 1 is to be accessed directly from the public highway with Plots 2-4 being served by a private drive. The layout of each plot allows for parking within the curtilage. As the development would be served by a private drive, a refuse collection point is sited adjacent to the public highway.

With regard to scale, all properties would be single storey and would occupy generally larger footprints than other dwellings within the vicinity as a result. There are few single storey dwellings in the area but dwellings of this scale are more suited to backland development and can cater for older persons. Finished floor levels would be raised by a maximum of approx. 500mm above ground level and the Proposed Site Sections drawings shows that single-storey dwellings raised to that level would not materially impact the street scene.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Private drives

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

*"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.*

*1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.*

*2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.*

*3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going*

*maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.*

*4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.*

*5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.*

*The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.*

*Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."*

Plots 2, 3 and 4 are served by a private drive, albeit Plot 2 fronts the adopted highway and refuse/recycling sacks could easily be deposited kerbside. Both Plots 3 and 4 are within the 30m distance specified above and the collection point provides over the 800mm x 800mm area per dwelling. With regard to amenity, the collection point is located approx. 8m from the closest dwelling and would largely be screened be virtue of the proposed planting along the site frontage. The on-going management and maintenance/cleaning responsibility of the collection point will be attributed equally to Plot 2, 3 and 4.

On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.

Access and Parking

Plot 1 is to be accessed directly from the public highway with Plots 2-4 being served by a private drive. The Highway Authority have raised no objection to the proposed access arrangements on highway safety grounds, which are therefore considered to be in accordance with Policy 2 of the Local Plan. This requires it to be demonstrated that access and vehicle generation levels will be acceptable.

Appendix 6 of the Local Plan sets out minimum parking standards, including for new residential development. 2 parking spaces within the curtilage should be provided for dwellings with up to 3 bedrooms. Between the garaging and the driveway space provided, the proposal complies with this requirement.

Landscaping

In terms of soft landscaping, planting is proposed along the site frontage and to the front of Plot 4. Rear gardens would be grassed.

Hard landscaping would take the form of gravelled drives, with buff paving slabs to the side and rear of properties.

Inside the planting to the site frontage, black railings of 1.2m in height are proposed, to be in keeping with the quality of the development. 1.2m high post and rail fencing is proposed along the eastern boundary for Plots 3 and 4 to benefit from the field views. All other boundaries are to be secured with featherboard fencing.

This is considered to be a suitable landscaping scheme for the site and in accordance with Policy 3 of the Local Plan in respect of its provisions on landscaping.

Residential Amenity

It is not considered that there would be a material adverse impact in terms of overlooking, overshadowing or the properties being overbearing in nature.

There is a minimum separation distance of 21m to the property to the north, which is largely screened by dense vegetation and would be supplemented by approx. 1.8m high fencing. The relationship with properties on the opposite side of Beck Bank is tantamount to a normal frontage relationship. There is only an agricultural field immediately to the east.

During the course of the application, Plot 4 has been moved forward to create a slightly bigger gap between it and Woodmans Lodge to the south. Plot 4 is set at an angle with the separation distance becoming greater further east. Overall, the separation distance is comparable to that between Woodmans Lodge and the dwelling on the opposite side (south-west). Given that they are single storey dwellings, this separation distance is considered, on balance, to be acceptable.

Plot 2 is a P shaped bungalow and there are no side facing windows to Four Acres adjacent (to the south), therefore there would not be a material overlooking, loss of light or overbearing impact.

Because of levels having to be raised due to flood risk, 2m high closeboard fencing is proposed to the rear of Plots 1 and 2, as well as between these plots to achieve an acceptable standard of amenity.

Based on the levels indicated on drawing no's. 053 P07 Rev A and 053 S01, the top of a 1.8m fence to the rear of Plot 4 would finish at approx. 1.4m above the finished floor level of that dwelling. Higher fencing would therefore be required in this location. Whilst it is appreciated that the boundary is relatively close to the rear windows of Woodmans Lodge (approx 3.5m), there was previously established hedging along that boundary that appeared to be in excess of 2m in height. On that basis, it is considered that a 2.2m high fence to prevent overlooking would not be unduly overbearing.

The garden level to Plot 4 would be similar to Four Acres, therefore no overlooking should occur in this respect. In addition, the closest part of Plot 4 is a garage (with no side facing windows) and the bedroom windows to that dwelling are sufficient far away from the rear of Four Acres to not have a material overlooking impact (approx. 30m)

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

Condition 5 of the outline approval requires that finished floor levels (FFLs) of the dwellings be set at no less than 500mm above ground level. The proposed levels indicated on dwg. no. 053 P07 satisfy this requirement.

Foul water disposal will be to the Anglian Water system in Beck Bank. Infiltration testing has shown that the ground conditions are suitable for the use of soakaways as proposed.

Given the above, it is considered that the drainage proposals and flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.

Planning Balance

The principle of residential development on this site has already been established by virtue of the outline permission. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk and drainage matters are considered to have been appropriately addressed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

## 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.

**Conclusion**

In light of the above considerations, the proposal is considered to be in accordance with Policies 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.