

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1179-20 **Applicant:** Mr Wilson

Proposal: Erection of 9 dwellings - outline approval H16-0193-19 as amended by Section 73 consent H16-0710-22

Location: Land South East Of Littleworth Drove Lucks Bridge

Terminal Date: 31st December 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
06	Developer Contributions
11	Distribution of New Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Erection of 9 dwellings - outline approval H16-0193-19 as amended by Section 73 consent H16-0710-22. This application is effectively a Reserved Matters application pursuant to H16-0710-22, and not the original outline consent.

Although the outline consent described 1.5 storey dwellings, this was not ensured by condition.

This scheme proposes nine 4-bedroom two storey dwellings with the associated garaging, accessed from Littleworth Drove via a private drive. Although some materials are shown in the layout plan, given the current issues with supply, it is proposed to add a materials condition, to give greater flexibility.

All Finished Floor Levels are to be set at +3.10 AOD · Proposed Ground Levels to be set at +2.10 AOD graded down towards existing boundaries. Levels at existing site boundaries to remain the same. This detailing is included within the layout plan and can be controlled by condition.

The application has been revised since submission to change the dwelling designs, to include landscaping and to resolve the matter of refuse collection as well as management and maintenance responsibilities. In addition, a gate for access for the Internal Drainage Board has been included.

Site Description

The site area is 0.8 ha and is rectangular in shape. It is currently vacant land once used for horticulture. The entrance to the site has close board fencing to the sides of existing dwellings, and along the frontage to secure the site. Trees and/or hedges are growing along the boundaries of the site, some of which are of high amenity value. The state of the land is currently overgrown. Two storey detached dwellings front the proposed site with open land to the north and south and agricultural land to the east. South Drove Drain runs to the southwest of the site beyond South Drove, while Fantail Mill Drain runs immediately to the east.

History

H16-0710-22. SEC 73 MODIFICATION. Residential Development 9 x 1.5 storey houses - approved under H16-0193-19. Modification of Conditions 13, 14 & 15 relating to access roads and drainage - re-submission of H16-0263-21. APPROVED 29.11.22.

H16-0692-22. CONDITION COMPLIANCE. Details of scheme to deal with boundary treatments, means of foul water disposal and storage & disposal of refuse & recycling (Conditions 6, 16 & 19 of H16-0193-19) - re-submission of H16-0254-21. APPROVED . 28.11.22.

H16-0254-21. CONDITION COMPLIANCE. Details of scheme to deal with contamination, boundary treatment, means of foul water disposal and storage and disposal of refuse and recycling (Conditions 4, 6, 16 and 19 of H16-0193-19). APPROVED 28.11.22.

H16-0263-21. SEC 73 MODIFICATION. Residential Development 9 x 1.5 storey houses - approved

under H16-0193-19. Removal of Conditions 13, 14 and 15 relating to access roads and drainage. REFUSED 29.07.21..

H16-0193-19. SEC 73 MODIFICATION. Residential development - 9 x 1.5 storey houses - approved under H16-0621-17 - Removal of Condition 4 to remove the 1.000 square metre floor space element of the condition. Approved. 23-04-19.

H16-0621-17. Residential development - 9 x 1.5 storey houses. Approved. 11-01-18.

H16-0787-02 - outline application for 63 dwellings. This was a larger site area and was refused on 27 November 2002 due to being in a countryside location, poor visibility to the south due to the positioning of Lucks Bridge causing a highway safety issue, and on flood risk grounds.

Consultation Responses

SHDC Environmental Services

ORIGINAL SCHEME:

The proposals for this development includes a collection point from where the new road joins with South Drove. I believe that South Drove is an adopted road, whereas this development will remain a private roadway and therefore not accessible by our refuse vehicles. In principle a collection point would be the way to ensure we could collect the waste from these properties, however in this instance there are many difficulties with this proposal including;

- Size of scheme which would result in build-up of large volumes of waste presented at the collection point
- Length of roadway that will mean residents have to carry waste over 30m, as stated on the plans
- Proposal to provide flat beds for waste transportation is problematic and we would be interested to understand who will be responsible for maintenance and replacement of these
- Collection points can be challenging at best of times for early presentation and which scheme of this size that risk seems to be higher than usual
- Therefore there is likely to be a negative impact on the locality including current neighbours and those passing this collection point.

OFFICER NOTE REGARDING REVISIONS: As a result of the above objection, revisions have been made to the development proposal and SHDC Environmental Services were re-consulted on 20 July 2022. No response has been received; however the application has been assessed in the light of the current local guidance.

LCC Highways & SUDS Support

ORIGINAL SCHEME:

Requests that the Local Planning Authority request the applicants to provide additional information as set out below.

The confirmation that the roadway serving the proposed development is now proposed to be a sealed bituminous-surface road, rather than unbound gravel, is noted and is welcomed.

However, Condition 14 of the Outline Consent for this development requires that the road be adopted as public highway. Please be advised that the geometry and the construction shown on the submitted details do not meet the requirements for highways to be adopted by this Authority.

Would it be the intention of the Local Planning Authority to require formal adoption of the roadway as a Public Highway?

Also, Condition 16 of the Outline Consent requires that the development be drained by means of sustainable drainage principles. There does not appear to be a drainage strategy submitted in this Application save for a few words on the layout drawing advising that all rain water is to be discharged to soakaways that are to be a minimum of 5.0 metres from any building. That does not constitute a drainage strategy.

REVISED SCHEME:

No objection subject to conditions regarding submission of a Construction Management Plan, and informatives.

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 subject to compliance with the Condition and the advice above, the proposed development would not be expected to have an unacceptable impact upon highway safety and, does not wish to object to this planning application.

Welland and Deepings Internal Drainage Board

ORIGINAL SCHEME:

Object - It seems more obvious under this most recent application that the intention is to use the Board's strip as garden space and to put fences across this space running directly to the top edge of the Board's Fantail Drain. This objection subsequently removed by response to a subsequent consultation.

REVISED SCHEME:

No objections. Access gate and access strip treatment to be conditioned.

Anglian Water

No objection.

Lincolnshire Fire and Rescue

ORIGINAL SCHEME:

Objection - Inadequate access for a fire appliance.

REVISED SCHEME:

No objection as result of amendment.

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust have no objection to this development but please note that the proposed entrance to the site is immediately adjacent to South Drove Drain which is a Local Wildlife Site (LWS).

Advise that:

- Care must be taken not to damage the banks of the South Drove Drain LWS during construction when plant arrives or exits the site.
- There should be no long-term storage of equipment on the banks of the LWS without proper assessment of the impacts to the LWS .
- Any planned surface water drainage must not damage the ecological interests of the LWS.

Third parties

One letter received regarding provisions for Swifts.

Planning Considerations

The main issues in this case are:

Principle of Development and Sustainability
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage

Contaminated Land

Principle of Development and Sustainability

The application site benefits from outline consent, so the principle is accepted.

Layout and Design

The layout proposes nine detached dwellings in ample plots, with gardens. The development is to be accessed via a private drive.

The design of the dwellings varies slightly, with an overarching theme of 1.5 storeys with windows within the roofscapes.

Certain details relating to boundary treatments, means of foul water disposal, storage & disposal of refuse & recycling, methods of dealing with contamination, means of foul water disposal and storage and disposal of refuse and recycling have been dealt with via condition discharge, as listed above.

A gated access for IDB access is required and this is approved by condition submission.

Highway safety and parking

The access on to the public highway is accepted in principle and as can be seen above. LCC Highway Service raise no objection. The internal layout of the private drive is acceptable and the proposal would provide policy compliant parking arrangements.

Impact of neighbouring Residents/land users

The site is free standing and the orientation of the dwellings proposed are located in such a way that no loss of light or overbearing impacts would result. The layout minimises potential overlooking to the limited adjoining residents.

Flooding considerations

Condition 8 of the Section 73 consent H16-0710-22 controls development in accordance with Flood Risk Assessment. Specifically, this relates to the Flood Risk Assessment Revision A (prepared by SM Hemmings, dated 21 July 2017) and Addendum to Flood Risk Assessment (prepared by SM Hemmings, dated 17 October 2017) submitted to support the scheme.

Foul and Surface Water Drainage

Resolved by H16-0692-22. CONDITION COMPLIANCE set out above.

Contaminated Land

Condition 4 of the Section 73 consent H16-0710-22 requires later submission prior to the commencement of development.

PLANNING BALANCE

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.

The proposed development has been accepted in principle by the grant of the outline consent and would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 6, 11, 19, 28, 30, 31, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve.

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.