

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0203-20 **Applicant:** Broadgate Homes Ltd
Proposal: Residential development comprising 4 detached bungalows and garages
Location: Land To Rear Of 75 Backgate Cowbit Spalding
Terminal Date: 22nd October 2020

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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic 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 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full application for residential development comprising 4 detached bungalows and detached garages, served from Backgate.

The application is supported by a Planning Statement, Drainage Statement, Flood Risk Assessment, Heritage Statement and Protected Species Report.

Since submission clarification of the access road and arrangements have been submitted, to ensure that a vehicle of 18 tonnes (fire tender) will be able to enter the site. Boundary treatments have also been clarified.

SITE DESCRIPTION

The application site sits to the rear of Nos. 75, 77 and 79 Backgate, and to the rear of 204, 206 and 208 Barrier Bank. It is a backland area of land with no frontage to the highway, except for the access point.

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The site straddles Flood Zones 1 and 2 and in defined settlement limits, therefore a sequential test is not required. The submitted Flood Risk Assessment proposes finished floor levels of 300mm above ground level.

RELEVANT PLANNING HISTORY

None.

REPRESENTATIONS

Cowbit Parish Council

No objections.

SHDC Environmental Protection

No Observations.

SHDC Conservation Assistant (Tree Preservation)

Photographs show young maple trees growing in the adjacent property to the north of the proposed entrance to the site. Their Root Protection Areas will need respecting when the roadway into the site is constructed. It would appear that it is proposed that a small area of amenity land laid to grass will be situated close to at least three of them. They have great growth potential.

A fine holly appears to be situated near the entrance to the site, probably in the most northern part of the property known as 77 Backgate. Again if retained the Root Protection Area should be respected. Maybe the small triangle of proposed gravel between the gardens of 77 and 75 Backgate will help this.

The only other trees which appear of note on the site are firstly a Norway maple tree on the northern boundary, which has damaged bark likely to have been caused by grazing animals nibbling it many years ago, callus tissue has formed around the edge of the wounds. (It was also noted that the trunk has grown around a piece of iron likely to have been used as a tree stake or maybe part of a fence); Secondly a cypress tree, possibly a Monterey cypress, or it could be a Leyland cypress (assume it is one tree rather than a close group); photographs were not detailed enough to determine the species. From the photographs am not exactly sure of the position of the cypress tree in relation to the boundary, likely to be on the southern boundary.

The Norway maple appears to have been taken into account in the proposed plans and has a small grassed area adjacent to it. The cypress may be adjacent to a back garden. It would have been helpful for its long term future if the proposed layout had situated a communal or amenity area adjacent to it.

Trees/hedgerows along the western boundary are fortunately adjacent to an easement strip which would appear to be covered in gravel according to the plans. Hopefully this is to be laid using 'no dig' techniques within the Root Protection Areas.

The existing well-kept hedgerows should be retained in the development layout, as they will provide shelter for wildlife.

From the species visible in the photographs, the grassland appears to be semi-improved neutral grassland which has been overgrazed; unlikely to be of any particular botanical interest.

Conclusion:

1. Usual conditions required to ensure that trees on and bordering the site have their Root Protection Areas respected. All trees and hedgerows to be protected as recommended in British Standard 5837:2012, before works on site commence.
2. Ideally hedgerows to be subject to a condition requiring their retention.
3. Ideally a condition ensuring that replacement trees/hedgerows are planted if ever removed, no time limit, to make their protection worthwhile; the condition to also apply to replacement planting. (Such a condition to have a built in facility so that an application in writing for exemption could be made to the Local Planning Authority in the event of exceptional circumstances. To be determined at the discretion of the Local Planning Authority.)
4. Could put a tree protection condition on requiring proposed tree works to be approved in writing by the Local Planning Authority; at least one tree partially over-hangs neighbouring property. (Unfortunately one of the most prominent trees, the Norway maple, has been poorly treated in the past and is by no means a perfect specimen, (although it will have public amenity value in a visual sense), so maybe such a condition will not be considered to be worthwhile).
5. Usual condition with regard to avoiding changes of soil levels near trees/hedgerows.
6. Usual conditions with regard to the storage of materials/fires.
7. Usual condition with regard to avoiding underground service trenches beneath trees or immediately adjacent to hedge lines.

8. Recommendations in Ecology and Protected Species Survey to be followed, may need endorsing through a condition.

LCC Highways & SUDS Support

No objections, subject to conditions and informatives.

LCC Historic Environment Officer

The proposed development is in an area of archaeological interest close to a number of previous finds dating from the Iron Age period onwards. Adjacent to the site on the north and southeast previous development has also encountered evidence for Iron Age and Roman settlement and salt making. There is thus the potential that similar remains may exist in the area of the proposed development.

It is therefore recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Councils Standard Conditions.

Lincolnshire Fire and Rescue Service

Raised objection to the proposals due to the access arrangements.

Withdrew objection following discussion with the applicant, and provided the development can be accessed by a fire tender.

South Holland Internal Drainage Board

Note that the applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of the proposed drainage strategy has been evidenced. As stated in the submitted supporting documentation (FRA, RM Associates, Jan, 2020 and Drainage Statement Hall Infrastructure Design Ltd ver1 -11.02.20) this proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material is considered favourable then infiltration testing in line with BRE 365 should be undertaken to determine its efficiency.

Further note that if (following testing) a strategy wholly reliant on infiltration is not viable the applicant intends to discharge surface water to a sewer and has already discussed this with Anglian Water. To satisfy the drainage hierarchy, we would require evidence that a discharge to a watercourse was not viable ahead of the proposal to discharge to the surface water sewer.

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

Environment Agency

No Observations.

Lincolnshire Wildlife Trust

No response received to date.

Public

Objections from three households have been received, citing the following issues:

- Require confirmation that the 4 proposed bungalows are the maximum for which planning consent will be granted.
- Additional fencing to maintain privacy and security of adjoining properties.
- Width of access along private drive.
- Access to site by large vehicles.
- Small door to rear garden is blind and dangerous, accessing in to the drive way.

- Original estate road not intended to be used for this development.
- Within 50m of a school pick up point.
- Potential damage to trees and bushes.
- Insurance cover should anything happen to the brick wall and the neighbouring fence.

PLANNING CONSIDERATIONS

Principle of Development
 Design approach and layout
 Fencing details
 Impact on adjoining residents
 Highway Matters and access
 Flood risk and Drainage
 Archaeology
 Ecology
 Refuse collection
 Other matters

Principle of Development

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is within the Cowbit Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Cowbit, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill. No officer objection is therefore raised in principle.

Design approach and layout

SELLP Policy 2: Development Management, sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, and sets out criteria for assessment.

SELLP Policy 3: Design of New Development clarifies that all development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

This policy goes on to set out a series of criteria against which development is to be considered.

It is considered that the proposed development of four detached bungalows, set out across the site would not be out of keeping with the density and form of development within the locale.

The roofs of the bungalows and gardens have a hipped-pitch, to reduce the height of the buildings. A condition is proposed to remove permitted development rights for roof alterations to minimise further impacts.

The dwellings are proposed to be cited at angles to existing dwellings and plots 1 and 2, to the rear of existing dwellings in Backgate have rear garden depths of 13m and 15m respectively. Plot 3, to the rear of No. 208 Barrier Bank would have a rear garden depth of 15m and Plot 4 is to run along part of the northern boundary of the site, which is enclosed by a beech hedge.

Due to the potential changes of levels on this site conditions are recommended to ensure that the boundary treatments in the form of fencing and hedging are designed and retained to an acceptable height and form in order to protect the amenity of adjoining occupiers.

Impact on adjoining residents

It is considered that the provision of four bungalows in the form proposed on this site would

minimise the impact of the development on the adjoining residents, and a condition is proposed to remove permitted development rights for roof and other alterations to minimise further impacts, such as overlooking.

In addition, fencing and hedging are to be approved and controlled by condition, as set out above.

The form and width of the access is to be limited, and vehicles would not be able to traverse the access at high speeds. It is not considered that access on to or from the access would lead to a loss of safety or amenity to adjoining occupiers.

Highway Matters and access

Due to land ownership, the access from Backgate has a pinch point, reducing the width of access at one point to a clearance of 3.4m. The access is also restricted by the proximity of fencing and walls as well as capping to the walls. The rest of the access achieves 5.0m at the highway edge and 4.5m for the rest of the access.

Despite this reduced access point it is considered that the visibility along the drive would enable sufficient forward view for drivers to be able to see if the drive is already in use, and for waiting. The access is for a domestic development and it is not expected that vehicles would be travelling at high speed.

LCC Highway Service has not raised objection to the access road, despite its reduced width, and in the absence of objections from LCC or the Fire Service, it is not considered that a refusal of permission on the basis of the dimension of the access road could be sustained.

The applicant has agreed to submit details of the construction of the access, to be controlled via condition, to ensure that the development can be accessed by large vehicles, specifically fire tenders. As the road is not to be adopted SHDC refuse collection vehicles shall not be expected to enter the site, and a collection point is shown at the entrance to the site. As the carrying distance exceeds the norm, a condition is suggested to ensure that acceptable management arrangements are put in place.

Flood risk and Drainage

The site is within Flood Zone 1 and 2, and in defined settlement limits, therefore a sequential test is not required. The submitted Flood Risk Assessment proposes finished floor levels of 300mm above ground level.

As the details are not yet finally agreed, it is proposed that the surface water drainage is dealt with by condition. The arrangement for foul drainage is considered to be acceptable.

Archaeology

As can be seen from the LCC consultation response above, the potential for archaeology to be found and recorded on the site is to be dealt with by pre-commencement conditions, which have been agreed by the applicant.

Ecology

Measures to ensure the protection and enhancement of the site for flora and fauna are to be controlled by conditions that take in to account the consultation response of the SHDC Conservation Assistant (Tree Preservation).

Any trees on adjoining land damaged by the development would be a civil matter, however a condition is recommended to cover works to trees.

Refuse Collection

The private access road would exceed 30m, and refuse would need to be brought to the edge of the public highway for collection. This is not ideal, but given that the development would be limited to 4 dwellings, it is not considered that the collection facilities could warrant refusal of permission on this basis.

Other matters

Insurance held by the owners of the site and/or third parties is not a planning matter and cannot be given weight.

Similarly, damage during construction of boundaries or vegetation owned by adjoining land owners would be a civil matter that can be given little weight, given the civil law remedies open to resolve such matters.

Conclusion

In light of the above it is considered that the application is now acceptable and the development would accord with the above policies.

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 approval, subject to conditions.

Note: This application was referred to Chairman's Panel on 16 October 2020, where it was agreed the decision could be delegated to officers.