DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-0248-21**	**Applicant:**	**Mr Cooke**
Proposal:	Residential Development - erection of 2 dwellings - approved under H01-1216-16. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	230 Barrier Bank Cowbit Spalding		
Terminal Date:	4th June 2021		

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 2019

Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application relating to residential development at 230 Barrier Bank, Cowbit - erection of 2 dwellings - approved under H01-1216-16. The application is to seek approval for amendments to the previously approved plans. The amended proposal seeks to provide windows and rooflights with the roofspace of Plot 1. No alterations are proposed at ground floor or first floor level. The windows and rooflights in the attic space will serve a bedroom, en-suite and a dressing area. The proposed storage room in the attic will not be served by any form of fenestration. The lowest point of the pane of the rooflight will be sited 1.53 metres above floor level. The side elevation window that serves the proposed en-suite will be obscure glazed and the window serving the dressing area will be narrow, with a pane width of 0.5 metres.

Plot 2 will remain unaltered, as approved under H01-1216-16.

SITE DESCRIPTION

The proposal site is within defined settlement limits, with dwellings to the north, east and south. To the west is Barrier Bank with arable land beyond. The site is in Environment Agency Flood Zone 1 and not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H01-1079-15

Outline - Replacement dwelling (4 bedroomed house and integral garage) - Approved - 04 January 2016.

H01-1216-16

Full - Residential development - erection of 2 dwellings - Approved - 27 January 2017.

H01-0210-20

Full - Details of external materials, soakaway system for disposal of surface water and external boxes etc (Conditions 3, 5 and 8 of H01-1216-16) - Approved - 31 March 2020.

CONSULTATION RESPONSES

Member of the public

No objections.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Minor Service Centres. This section of the policy states:

"Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) 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."

When assessed against the above criteria the following can be observed:

Two dwellings within defined settlement limits would help to support the role of Cowbit as a service centre and can be classed an infill development.

The proposal accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size and scale is considered to be appropriate for the site. The layout of the rooms is of a standard orientation and as there is not a defined built character in the vicinity, there is not considered to be a material impact on the character and appearance of the area.

2. The external design is not significantly altered. The height remains unchanged and the windows and rooflights do not detract from the overall appearance.

3. The proposed materials are in keeping with the character of the surrounding area.

4.The proposed access and vehicle generation levels are considered to be appropriate for the site. Under Appendix 6 of the SELLP, dwellings with four bedrooms or more are requested to have a minimum of three off road parking spaces and this proposal accords with this total, provided that a minimum of one of the garage spaces allocated to each property are utilised.

5. The proposal is not considered to materially impact existing community services and infrastructure.

6. It is not considered that there would be a material impact from noise, odour or disturbance as a result of the proposed design. There is not considered to be a material visual intrusion impact from the proposal. The base of the rooflight pane is set at 1.53 metres which is just over 5 foot. As the rooflight is set into the roof slope, their is not considered to the opportunity to materially overlook any surrounding land or properties. The nearest rooflight to 228 Barrier Bank to the north is approximately 7.6 metres away at the nearest point and this is not considered to create a material overlooking aspect. With regard to overshadowing and overbearing, there is no difference to the height and footprint of the two dwellings H01-1216-16. These two dwellings are almost completed construction and therefore it is considered that any concerns with regard to overbearing and overshadowing cannot be addressed at this stage of construction.

7. The site is in Environment Agency Flood Zone 1 and not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a material flood or surface water risk to the site.

This proposal does not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

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.
Development proposals will demonstrate how the following issues, where they are relevant to the

proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered to be adversely impacted by the proposal, which consists only of windows and roof lights at second floor.

5. The application has not supplied details of the storage provision for bicycles and refuse bins, however there is adequate space on site to facilitate this storage. Under Appendix 6 of the SELLP, dwellings with four bedrooms or more are requested to have a minimum of three off road parking spaces and this proposal accords with this total, provided that a minimum of one of the garage spaces allocated to each property are utilised.

11. It is not considered that the likely impact on residential amenity can be assessed in the absence of floorplans for the second floor. It is not considered that there would be a material impact from noise, odour or disturbance as a result of the proposed design. There is not considered to be a material visual intrusion impact from the proposal. The base of the rooflight pane is set at 1.53 metres which is just over 5 foot. As the rooflight is set into the roof slope, their is not considered to the opportunity to materially overlook any surrounding land or properties. The nearest rooflight to 228 Barrier Bank to the north is approximately 7.6 metres away at the nearest point and this is not considered to create a material overlooking aspect. With regard to overshadowing and overbearing, there is no difference to the height and footprint of the two dwellings H01-1216-16. These two dwellings are almost completed construction and therefore it is considered that any concerns with regard to overbearing and overshadowing cannot be addressed at this stage of construction.

12. The site is in Environment Agency Flood Zone 1 and not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a material flood or surface water risk to the site.

The proposal does not accord with SELLP Policy 3.

PLANNING BALANCE

There is not considered to be a material impact on the character and amenity of the surrounding area. The proposal accords with Policies 01, 02, 03, 04, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

CONCLUSION

The recommendation is one of approval.

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.