

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0253-19 **Applicant:** P A G Developments Ltd

Proposal: Proposed residential development

Location: Lomond 48 Barrier Bank Cowbit

Terminal Date: 30th April 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for proposed residential land to the north of Lomond, 48 Barrier Bank, Cowbit.

Site Description

The proposal site is adjacent to but outside the defined settlement limits of Cowbit. The land steeply slopes away from Barrier Bank and is currently in agricultural use. Arable fields are sited to the north, east and west, with a property named Lomond at 48 Barrier Bank.

History

No planning history for this site.

Consultation Responses

Historic Environment Officer

No objections.

Environmental Protection Officer

No objections.

Cowbit Parish Council

No objections.

South Holland Internal Drainage Board

Requests a standard drainage details condition.

County Highways & SUDS Officer

Requests standard access and utility informatives, as well as a condition related to road gradient, construction specification, surface water, pedestrian access and enabling vehicles to exit the site in a forward gear.

Planning Considerations

- Principle
- Flood risk
- Impact upon character and appearance of the area

Principle

Since the application has been submitted, the South East Lincolnshire Local Plan (2019) (SELLP) has been adopted. However, this does not materially change the policy status of the site as it

remains outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the SELLP states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

However, the Council does not currently have a published 5-year supply of deliverable housing sites (4 years as at 31st March 2018). Consequently, in accordance with Paragraph 11 of the National Planning Policy Framework, 2019 (NPPF), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted. Sustainable development is defined in paragraphs 7 and 8 of the NPPF as having three dimensions: economic, social and environmental.

Economic - The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

Social - The proposal would make a contribution, albeit small, towards housing supply in the district (Section 5). In terms of access to services and facilities, there is a footpath adjacent to the site that leads into the village (which is a relatively short walk away) where there is a village shop, primary school, church and village hall. The site is close to a bus stop on the Spalding to Peterborough route with 11 services per day (weekdays). Given this, it is considered that some services and facilities are reasonably accessible by sustainable modes of transport (such as walking, cycling and buses) and future occupants would likely be no more reliant on the private car than residents living within the built up area of Cowbit.

Environmental - The site is located beyond and adjacent to the northern edge of the defined settlement limits of Cowbit, off Barrier Bank. Beyond the site are agricultural fields and the area has an open countryside character due to the flat fenland landscape. The proposed development, if permitted, would further intensify existing development in this location, which would be contrary to Paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character, including landscape setting. It would also set a harmful precedent by encouraging further applications of a similar nature along Barrier Bank beyond the site and the main built-up area of Cowbit. It would encourage further ribbon development along this section of road, thereby eroding the open countryside character of this area. This would cumulatively harm the aims and objectives of both the Framework and SELLP to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

Flood risk

The site is located within Environment Agency Flood Zone 1 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected by flood hazard or flood depth. The site is therefore in a sequentially preferable area in terms of flood risk, in accordance with Section 14 of the NPPF.

Impact upon the character and appearance of the area

As stated previously, the proposed development would extend development into the open countryside, leading to a loss of agricultural land. This would have an adverse impact on the character of the area and would set a harmful precedent for further development along Barrier Bank in a ribbon form. This would have a cumulative material adverse impact by eroding the countryside character of this area. It would therefore be contrary to Policies 2 and 3 of the Local Plan which seek, amongst other things, to ensure that new development does not have a material adverse impact upon the character and appearance of the locality.

Conclusion

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated refusal.

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.