

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0292-19 **Applicant:** Mr J Braybook
Proposal: Demolition of existing dwelling and workshop, erection of up to five detached dwellings including hard standing and access from Backgate
Location: 22 Backgate Cowbit Spalding
Terminal Date: 9th May 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

National Guidance

National Planning Policy Framework 2019

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	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	0	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the demolition of the existing dwelling and workshop and the erection of up to five detached dwellings including hard standing and access at 22 Backgate, Cowbit.

An indicative layout submitted with the application shows 5 frontage dwellings with individual accesses off Backgate. Parking and turning for each dwelling is shown within the site.

Finished floor levels would be 300mm above existing ground level.

Site Description

The site currently accommodates a bungalow and an old storage shed/workshop and includes a large domestic garden area. The existing bungalow is of no particular architectural or historic merit. The site is adjoined by residential properties (bungalows) to the north and south, however there are also two-storey properties in the vicinity. There is a vacant plot opposite which is currently for sale and has an extant outline planning permission (H01-0994-18) for two bungalows. The eastern boundary is open with an agricultural field beyond.

The site is within the settlement boundary for Cowbit as set out in the South East Lincolnshire Local Plan (2019).

Representations

Cowbit Parish Council -

- 5 houses is overdevelopment. Would mean that properties would be small which would be out-of-keeping with existing houses along Backgate. Two houses at either end should be bungalows.
- Concern about loss of workshop on site which is of some age. Ask that a full archaeological and photographic survey of the building be carried out beforehand to determine whether it merits protection or relocation.

SHDC Environmental Protection - Awaiting response.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

LCC Historic Environment Officer - The proposed development is situated within an area of archaeological interest. Remains from the Anglo Saxon period were found during construction of the bypass to the east of the site. This area was also extensively exploited during the prehistoric and Roman period with settlement and salt making activity being identified 200m to the east of this site, as well as to the west of Backgate. Such remains may extend into the area of the proposed development, and could be destroyed during construction. Therefore requests the standard archaeological conditions.

South Holland Drainage Board - No objection. Suggests that infiltration testing should be carried out.

Lincolnshire Bat Group - Agree with the conclusions of the ecological appraisal that summer bat surveys should be undertaken.

Public -

- Two-storey dwellings out-of-keeping with existing properties adjacent (bungalows) and those approved opposite;
- Overdevelopment and out-of-keeping with existing pattern of development of large plots and gardens;
- Overshadowing/loss of light;
- Loss of privacy;
- Loss of views;
- Concern re impact on stability of adjacent properties;
- FRA states that site is in FZ 1 and 2 but FRA for development opposite states that is within FZ1;
- Reference made to Human Rights Act Protocol 1, Articles 1 and 8 - Private and family life encompasses not only the home but also the surroundings.

Planning Considerations

- Principle
- Flood risk
- Density and character
- Residential amenity
- Other considerations

Principle

The site is located within the settlement boundary for Cowbit as set out in the South East Lincolnshire Local Plan (2019). Policy 1 (Spatial Strategy) of the Local Plan identifies Cowbit as a Minor Service Centre and states that within the settlement boundaries of these centres, development will normally be limited to Allocated and Committed sites and infill. Given that the proposed development would be in keeping with the existing development pattern of frontage development on this side of Backgate and would be between existing dwellings the proposal is considered to be acceptable. No definition is provided of infill development in the Local Plan and so it is considered appropriate to take a common sense approach to determining whether a proposal is an acceptable form of infill.

Flood risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zones 1 and 2 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as no hazard in terms of hazard and depth.

The Local Plan has identified sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. However, given that the Council do not currently have a published 5-year housing land supply, it could be argued that it can not currently be demonstrated that there are sufficient reasonably available sites for housing that are sequentially preferable in flood risk terms across the district. As such, one could argue that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially

preferable sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need, and other benefits including generating employment during the construction period and the availability of some services and facilities in Cowbit.

In terms of making the development safe, this would result in finished floor levels being set at 300mm above existing ground level. This would be sufficient to mitigate against flood risk.

Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed in this instance.

One objector commented that the FRA states that the site is in Flood Zones 1 and 2 but the FRA for the approved development opposite states that it is within Flood Zone 1. This is correct

Density and character

Objections have been received from both the Parish Council and members of the public that 5 dwellings would be overdevelopment of the site and would be out-of-keeping with the existing pattern of development of large plots and gardens. Concerns were also raised that two-storey dwellings would be out-of-keeping with existing properties adjacent (bungalows) and those approved opposite.

In terms of the size of the site and the number of dwellings proposed, there are two clusters of existing dwellings along Backgate which cover a similar area of frontage (6, 8, 10, 12, 14 and 44, 44a, 46, 48 and 50) and accommodate 5 dwellings. The proposed density is therefore considered to be acceptable taking into account the pattern of existing development along Backgate.

In terms of the dwelling type proposed, although there are bungalows immediately to the north and south of the site and approval has been granted for a further two bungalows opposite the application site, there are two-storey dwellings further north along Backgate and the new Ashwood Homes development (Willow Court) comprises of two-storey properties. Two-storey dwellings in this location would therefore be acceptable in character terms.

The Parish Council have raised concern about the loss of the workshop on the site. No objections to its loss have been raised by LCC's Historic Environment Officer but they have requested the standard archaeological conditions.

The specific details of design would be dealt with at reserved matters stage.

Residential amenity

Concerns have been raised by members of the public with regard to overshadowing/loss of light and loss of privacy. It is considered that any new dwelling would be far enough away from existing properties for there not to be a material loss of light and the proposed dwellings would be capable of being designed so as to minimise overlooking.

Loss of views is a consideration, however it is one that carries very limited weight in the planning balance.

Other considerations

The impact on stability of adjacent properties is a matter for Building Control.

Additional Considerations

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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.