DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-0359-20**	**Applicant:**	**Hitpreet Singh Virdee**
Proposal:	Erection of 5 dwellings - outline approval H01-0120-17		
Location:	66 Barrier Bank Cowbit Spalding		
Terminal Date:	1st July 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site currently has outline planning permission for residential development (5 plots). Application ref. H01-0120-17 refers. Reserved matters approval is now sought for 4 no. 4 bed houses and 1 no. 5 bed house. Plots 3-5 are served off a private drive.

Site Description

The site is located on the northern side of Barrier Bank close to the western fringe of the village. It is presently occupied by a commercial building within the centre of the site. A hedge is located along the site's frontage and a number of trees are situated along the western boundary. It is accessed off a layby. Houses are located to the east and west of the site. Open land is situated to the north.

Relevant Site History

H01-0120-17 - Outline - Residential development (5 plots) - Granted 30 June 2017

H01- 0368-20 - S73 - Residential Development - approved under H01-0120-17. Removal of Condition 4 relating to maximum number of dwellings and maximum floorspace - Under consideration.

Consultation Responses

Cowbit Parish Council - No objections.

LCC Highways/SUDs - Does not wish to restrict the grant of permission. Request notes.

South Holland Internal Drainage Board - Request drainage strategy.

Public - Resident objection received:
Overshadowing, and privacy issues for my residence at 66 Barrier Bank, because set well forward set forward of neighbouring properties.

Planning Considerations

The principle of residential development on the site has been established by virtue of an outline consent for residential development. This application is therefore to assess the reserved matters, namely:
i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
ii) the means of access to the site;
iii) the landscaping of the site;
iv) other matters such as the existing and proposed site/floor levels and drainage.

Frontage houses are situated to the east and west of the site. Existing development within the vicinity is generally mixed in terms of age, type, style and materials. The houses on plots 2 and 3 would be set further forward than neighbouring development. However, the building line within this part of the settlement is somewhat varied. It is considered that the proposal would not materially harm the character or appearance of the street scene/rural locality. The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, the western elevation of the house on Plot 1has a utility door and WC window at ground floor level and no openings at first floor level. The eastern elevation of Plot 3 has bathroom and en-suite windows (obscure glazed) on its eastern elevation and bedroom widows at the rear. Plot 4 has first floor bedroom windows on its rear elevation but is set well back and is some distance (at least 9 metres) from the neighbouring back garden.

Finished floor levels will be set at 5.00m aOD. On this basis and also the fact that ground levels appear to slope slightly towards the boundaries, especially the eastern boundary, it is considered

that fencing should be 2 metres high along the western boundary and 2 metre high plus 300mm trellising along the eastern. This is to protect the amenity of neighbouring residents. Overlooking at first floor level would either be oblique or at a distance. Subject to the aforementioned it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

In terms of highway issues, 4 of the properties would be accessed off a tarmac private roadway, with individual driveways constructed in Brindle block paving. The proposal includes a 1.8 metre wide footway. Each property would have at least 3 parking spaces. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal satisfactorily accords with Policies 2, 3 and 36 in this respect.

A refuse collection point is not considered necessary in this case because two of the four properties accessed off the private roadway actually front an adopted highway. The remaining two at the rear could place refuse bags on the section of footway next to the highway on the day of collection. Refuse collection points can sometimes be an eyesore.

Concerning finished floor levels, the site slopes down from the road and levels range from 5.4m aOD along the frontage to 3.25m aOD approximately at the rear along the eastern boundary. The dwellings fronting Barrier Bank would have finished floor levels of 5m aOD and those at the rear 3.75m aOD. This is considered to be acceptable.

In terms of drainage, foul water would be disposed of to an Anglian Water sewer. Rainwater would be discharged to crate soakaways positioned at least 5 metres from any building. The submitted details are considered to be acceptable.

Conclusion

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

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.