DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-0392-20**	**Applicant:**	**Mr R Turner**
Proposal:	Erection of 6 single storey dwellings - re-submission of H01-1210-19		
Location:	Land Adjacent: Fairview Farm 19 Mill Drove South Cowbit		
Terminal Date:	14th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution
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)

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

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
IAN MARSHMAN - HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline proposal for the erection of 6 single-storey dwellings on land adjacent Fairview Farm, 19 Mill Drove South, Cowbit. The indicative layout shows a vehicular access south of 19 Mill Drove South with dwellings on land which is currently in a business use. This is a resubmission following refusal of an earlier application. The application includes additional information on flood risk and a reappraisal of relevant planning issues recognising the acceptability of developing previously developed land in such locations.

SITE DESCRIPTION

The frontage of the proposal site is within the defined settlement limits for Cowbit with land to the rear classed as being in the countryside. Four of the proposed six bungalows shown on the indicative plan are sited outside of the defined settlement limits.

The site is currently used for storage and distribution and has a large number of wooden pallets stacked towards the rear of the site. The surrounding area is characterised by linear development of buildings of varying ages and design. With regard to flood risk, the site is in Flood Zones 1, 2 and 3 on the Environment Agency Flood Risk Mapping. On the 2115 South Holland Strategic Flood Risk Mapping the site is in a "Low Hazard" flood hazard area with a maximum predicted flood depth of 0.25 metres at the access point to the site.

RELEVANT PLANNING HISTORY

H01-0831-77

Full - Erection of agricultural building - Approved - 05 October 1977.

H01-0927-89

Outline - Residential development - Approved - 10 August 1989.

H01-0676-92

Outline - Residential development (renewal of outline planning permission H01-0927-89) - Approved - 05 August 1992.

H01-1172-94

Outline - Residential development (Renewal of H01-0676-92) - Approved - 24 January 1995.

H01-1159-97

Outline - Residential development (Renewal of application H01-1172-94) - Approved 18 December 1997.

H01-1057-00

Reserved Matters - 4 bed house and garage - Approved - 27 October 2000.

H01-0421-02

Full - Change of use to storage, distribution & light assembly work - Approved - 30 August 2002.

H01-0099-04

Full - New vehicular access, detached triple garage, side and rear extension, including swimming pool - Approved - 16 March 2004.

H01-0384-05

Full - Alterations to existing barn to convert into office accommodation - Approved - 23 May 2005.

H01-0744-18

Full - Extensions and alterations - 05 September 2018.

H01-0998-18

Full - Extensions and alterations - re-submission of H01-0744-18 - Approved 21 November 2018.

H01-1210-19

Outline - Residential development - erection of 6 single-storey dwellings - Refused - 10 February 2020.
Reasons were:
-The proposal fails to demonstrate that the development would be safe from flood risk over the lifetime of the development.
-The site is not considered to be a suitable site for housing with regards to the principles of sustainable development and the protection of the countryside character of the area.

REPRESENTATIONS

Cowbit Parish Council

No objection.

SHDC Environmental Protection

Request the full contaminated land condition.

LCC - Historic Environment Officer

Request the full archaeological scheme of works condition.

South Holland Internal Drainage Board

Provides drainage advice with regard to surface water disposal and whether the applicant intends to amend the riparian watercourses adjacent to the site boundary.

LCC - County Highways & SUDS Officer

Previously requested the imposition of a Grampian condition that works do not commence until the adjacent development approved under H01-0871-18 has completed. This would allow for junction improvement works at the junction of Mill Drove South and Stone Gate.

After discussion with the Planning Dept, the Officer now raises no objections and requests a condition that obstructions above 0.6 metres high should be cleared from the land at the junction access. They also request an informative that the access is constructed to highway standard.

PLANNING CONSIDERATIONS

Principle of development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site frontage is inside the Cowbit Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019 with the remainder outside so is therefore considered to be within the countryside. Policy 1 (Spatial Strategy) of the Local Plan indicates that in the countryside development will only be permitted that is necessary to such a location and/or it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The frontage of the proposal site, where two of the bungalows are located, is within defined settlement limits. The four bungalows to the rear of the site are outside of defined settlement limits. There is no physical boundary to denote where the red line transects the site. The boundary line would appear to be arbitrary and does not take account of the existing business on site.

The site frontage could be developed for residential with the remainder left to fall into dilapidation when the pallet transport business ceases to operate. Thereby creating an inaccessible brownfield site to the detriment of neighbouring amenity and the character of the surrounding area.

In terms of the NPPF Paragraph 78 states:
To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

The site is immediately adjacent to Cowbit where growth is permissible. Indeed the site is adjacent to land to the south which has planning permission for 45 dwellings. On the matter of sustainability, the scheme would not run counter to the environmental aspects of sustainable development. Regarding the economic aspect of sustainability, the scheme would generate some economic activity during construction and would support village facilities. As regards the social role, the scheme would assist towards the government's objective of boosting the supply of housing and would help towards supporting local facilities and local economic activity.

Paragraph 79 seeks to avoid the development of isolated dwellings in the countryside. As this site is partly within the settlement limit and immediately adjoins it and a site with planning permission for 45 dwellings to the south, it is clearly not isolated.

Paragraph 117 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

Paragraph 118 - Planning policies and decisions should:
c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

This site is previously developed land and thereby benefits from the national policy imperative to bring such land into productive use.

Impact on highway

The Highways Officer has requested the imposition of a Grampian condition that works do not commence until the adjacent development approved under H01-0871-18 has completed. This would allow for junction improvement works at the junction of Mill Drove South and Stone Gate.

This request is considered to be to the detriment of the continuation of the pallet business, with the owner seeking to move and expand the business. Any delay may impact sales of plots and the long term stability of an established business.

There is considered to be reduced impact on the highway from this change of use. A large number of heavy goods vehicles make frequent trips to and from the site when delivering pallets and operational hours can often be early in the morning.

An email requesting the removal of the Grampian condition request has been agreed, and the Highways Officer no longer has any objections to the proposal.

The proposal is therefore considered to accord with Policy 2 of the Local Plan in terms of ensuring safe access.

Impact on residential amenity

As this outline application merely wishes to establish the principle of development and the point of access, the impact on amenity cannot accurately be assessed. However, the application description is for single storey dwellings, and as the dwellings would not need to be materially raised above the ground then if appropriately designed there would not be a material impact on residential amenity arising from this proposal.

Flood Risk

The submitted updated flood risk assessment concludes that the development would be safe from flood risk over the lifetime of the development. All properties on the proposed development would have a minimum finished floor level of 3.00m OD, which is 200mm higher than the highest land level and 400mm. If the single storey dwellings were to be sited at this finished floor level, then there is not expected to be material impact on residential amenity if the bungalows are appropriately designed.

Conclusion

In light of the above considerations the proposal is considered to constitute sustainable development, involving the redevelopment of a brownfield commercial site, which is adjacent to existing and proposed residential development. As such the inclusion of land outside the Cowbit settlement limit is considered to be acceptable when taking the wider policy context and aims and objections of the NPPF into account.

The application was referred to the Chairman's Panel on 31 July 2020 where a delegated approval was agreed.

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.