

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0452-21 **Applicant:** Mr & Mrs Cooper

Proposal: Erection of 3 dwellings - outline approval H01-0759-18. Also, modification of Condition 8 relating to visibility splays, in accordance with H01-1075-18.

Location: 68 Stone Gate Cowbit Spalding

Terminal Date: 14th September 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

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

BOARD				
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Erection of 3 dwellings - outline approval H01-0759-18. Also, modification of Condition 8 relating to visibility splays, in accordance with H01-1075-18.

The application is supported by a flood risk assessment.

Site Description

The site consists of a rear garden area of approximately 0.42ha, accessed from Stonegate. The land can be accessed as part of the garden of No.68 and contains a number of mature trees.

The site is within Flood Zone 3.

History

H01-0759-18. OUTLINE. Residential development (3 dwellings). APPROVED 20-09-18.

H01-1075-18. SEC 73 MODIFICATION. Residential development (3 dwellings) - approved under H01-0759-18 - Modification of Condition 8 relating to visibility splays. APPROVED 27-11-18.

Consultation Responses

Cowbit Parish Council

No response received.

LCC Highways and Lead Flood Authority

Ask the Applicant/Agent to amend the drawing to show the visibility splays required by the Outline Consent.

OFFICER NOTE - the S73 application above amended the outline condition.

South Holland Internal Drainage Board

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- I am pleased to see that following our letter on the 24/05/2021 ground investigation to determine the infiltration potential of the site and the depth to groundwater has been carried out, along with infiltration testing in line with BRE Digest 365 to determine its efficiency. After examining the document 'Surface Water Drainage Strategy' submitted on the planning portal on the 04/08/2021, I am pleased to see following testing a drainage strategy reliant on infiltration is likely to be achievable given the sufficient soil infiltration rates.

- However, on page 2 it is stated that groundwater was encountered at 1.3 m below ground level.

Under government guidelines there should be a minimum of 1.2 m between the base of any infiltration feature and seasonally high groundwater levels. I appreciate that as stated on page 5 the applicant intends to raise the ground level so that there is 600 mm of space in between the base of the soakaways and the groundwater level, however this still does not meet government guidelines. Furthermore, this infiltration testing was carried out during the summer, when groundwater levels are at their lowest; during the winter groundwater levels are likely to be much higher, possibly making the soakaways totally ineffective.

- Recommend that the Local Planning Authority satisfies themselves that infiltration is a viable method of surface water disposal at this site. If a strategy reliant of infiltration is not considered viable, the Board would be pleased to receive an application to discharge surface water to one of the riparian watercourses adjacent to the site boundary. This requires land drainage consent in line with the Board's byelaws (specifically byelaw 3) and any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

- Note the presence of two watercourses which have not been adopted by the Board (a riparian watercourse) adjacent to the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter these riparian watercourses, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

Public

Objections - Two

Chalet bungalow has been changed to a house.

Increases in traffic along Stonegate- vehicular and pedestrian safety are to be considered

Half of the drain is owned by neighbouring property, who want to retain the Hawthorn trees

Comments - one received regarding provision for Swifts

Planning Considerations

The main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Refuse collection

Impact of neighbouring Residents/land users

Flooding considerations

Foul and Surface Water Drainage

Landscape Impact

Impact on trees

Biodiversity

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.

Outline planning permission has been granted on this site for 3 dwellings (H01-0759-18 refers). The principle of developing this land for 3 dwellings, therefore allowing vehicular access for a further 3 dwellings on to this part of Stonegate has been accepted.

An objection has been raised that a chalet bungalow indicated on the outline indicative drawings has been changed to a house. It is to be noted that the plans submitted to support the outline were indicative only, and no stipulation by condition was put in place regarding the form of the dwellings approved. It is the purpose of this reserved matters application to consider the impact of the details

of this development, and this is addressed below.

Layout and Design

The application shows access from the highway winding to the west of the main dwelling on the site and three detached two storey dwellings located off a shared private driveway.

Plot 1, The southern-most plot, which is located closest to the host dwelling, proposes a two storey 4-bedroom dwelling with an attached garage. The rear elevation of the dwelling would at it's closest point be approximately 3.5m from the north-eastern boundary of the site, which is shared in part with the dwellings of 70 and 72 Stone Gate.

Plot 2, central to the site, proposes a two storey 4-bedroom dwelling with a detached garage. The rear elevation of the dwelling would at it's closest point be approximately 3.5m from the north-eastern boundary of the site

Plot 3, the northern-most plot, proposes a a two storey 4-bedroom dwelling with a detached garage. This dwelling would be oriented to face down the site.

The proposed materials on each plot are a mix of are brick and render under an Eternit roof slate. The roofs of the garages to plots 2 and 3 are to be tiled.

It is considered that the design and layout would result in a pleasant three dwelling private drive development, with spacing around the dwellings and reasonably sized gardens.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Highway safety and parking

Stonegate is a relatively straight residential road, that has a footpath on both sides of the carriage way at this point.

The details of access were considered at the stage of the first grant of planning permission, at which time a standard condition was imposed at the request of LCC Highways officers, to ensure adequate vision splays for the reasons of highway and pedestrian safety.

The details of the S73 submission referenced above have been assessed by LCC Highways officers again and no objection was raised to the reduction of the vision splays for this site. The plans and details show sight lines to 2.0m x 37m (to the west) and 2.0m x 34m (to the east), as agreed by the S73 application (H01-1075-18 refers).

The increases in traffic along Stone Gate, both vehicular and pedestrian safety were considered and addressed during the outline consent and conditions imposed. The S73 application (H01-1075-18 refers) revisited highway safety with regard to sight lines, and was not considered to be an unacceptable change.

The application proposal would not result in detrimental harm to vehicular or pedestrian safety to this part of Stone Gate.

More than adequate parking is shown within the curtilages of each dwelling.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Refuse collection

Normally a carrying distance of over 30 metres to a collection point is not acceptable, as it exceeds the usual Building Control guidance and is an indicator of poor design. However due to the nature of this site and restricted width of the site as it passes the host dwelling, it is not considered on this occasion that it would be reasonable to insist upon an adopted highway or for a private refuse collection scheme to be put in place. The development is limited to three dwellings and the provision of a collection point on this occasion is not considered to result in a visually unacceptable development when viewed from the public realm.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Impact of neighbouring Residents/land users

The layout is proposed to minimise overlooking to existing neighbouring dwellings, and it is recommended that permitted development rights for further windows are restricted, to maintain privacy to neighbouring dwellings.

The dwellings in this immediate locale benefit from long gardens, and although a degree of overlooking may be afforded to the ends of gardens, it is considered that sufficient private amenity space will be retained by adjoining occupiers, and the development would not result in such a degree of overlooking or loss of amenity that the application should be refused.

An objection has been raised regarding the fact that half of the drain is owned by neighbouring property, who wants to retain the Hawthorn trees. It is considered that the retention of the Hawthorn trees/bushes is not crucial to this development. Any damage or removal of vegetation not within the ownership of the land owner would be a civil matter.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Flooding considerations

The application is supported by a flood risk assessment. This sets out that the ground floor level of the proposed new buildings should be a minimum level of 2.80m OD which is between 250mm and 1.0 metre above the existing ground levels on the site, and is approximately 150mm above the ground floor level of the existing house on the site.

The FRA also sets out that the buildings should be designed incorporating flood resistant and resilient techniques to allow it to be refurbished after being flooded to a depth of approximately 300mm above the finished floor level of the new building.

The FRA advises that the developer should advise owners and occupiers of the properties to register with the Environment Agency's Flood line Warnings Direct Service.

It is to be noted that LCC as Lead Flood Authority raises no objection.

It is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF 2021 in this regard.

Foul and Surface Water Drainage

Foul waters are to be dealt with via a package pumping station solution.

Surface Water Drainage is to be dealt with by a system of soakaways and permeable paving. The response of the IDB set out above is noted. If it transpires that the Surface Water Drainage cannot be dealt with by the submitted scheme, then a further formal application would be required to discharge this detail. An informative is added to this recommendation to express this in the decision notice.

It is to be noted that LCC as Lead Flood Authority raises no objection.

It is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF 2021 in this regard.

Impact on trees

The site is currently a mature garden area and by its nature the development of this site will impact upon the existing vegetation. A survey has been submitted to support the application, as well as detailed landscaping plans. It is considered that there are no significant trees shown to be removed, and the landscaping proposals are acceptable.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Biodiversity

A comment has been received regarding biodiversity and provision for swifts. This is addressed via a condition.

Planning Balance

PLANNING BALANCE

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 proposed development does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve.

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.